

**DECLARATION OF ALI MOGHADDAS**

I, Ali Moghaddas, declare and state as follows:

1. I am an Assistant United States Attorney ("AUSA") for the Central District of California. Together with AUSA Scott Paetty, I represent the government in United States v. Christopher K. Kamon, No. 22-MJ-4385-DUTY. I make this declaration in support of the government's opposition to defendant's Application for Review/Reconsideration of the Order Setting Detention.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of defendant's detention hearing on November 10, 2022 in the United States District Court for the District of Maryland.

3. Attached hereto as **Exhibit 2** are true and correct copies of an October 31, 2022 subpoena response by Skadden, Arps, Slate, Meagher & Flom LLP, and a November 7, 2022 follow-up e-mail regarding defendant's whereabouts.

4. On November 5, 2022, the date of defendant's arrest, AUSA Scott Paetty and I had a telephonic conversation with defendant's counsel, Jack DiCanio, wherein Mr. DiCanio indicated that although he understood defendant was looking to get a fresh start outside of California, he was not aware that defendant had moved to The Bahamas.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a December 8, 2022 affidavit executed by defendant, including the relevant excerpts of proceedings from In re: Lion Air Flight JT 610 Crash, 18-CV-07686-TMD (N.D. Ill.).

6. Attached hereto as **Exhibit 4** are true and correct excerpts of banking records reflecting several wire transfers from defendant's domestic bank accounts to accounts in both The Bahamas and Hungary.



# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DISTRICT

- - - - - x  
:  
UNITED STATES OF AMERICA :  
:  
v. : Criminal No. 22-03247-MJM  
:  
CHRISTOPHER K. KAMON, :  
:  
Defendant. : Baltimore, Maryland  
:  
- - - - - x November 10, 2022

**DETENTION HEARING**

BEFORE: THE HONORABLE MATTHEW J. MADDOX, JUDGE

APPEARANCES: COLLEEN MCGUINN, Esq.  
Office of the U.S. Attorney  
36 South Charles Street  
Fourth Floor  
Baltimore, Maryland 21201  
On Behalf of the Government

JESSIE LIU, Esq.  
Skadden, Arps, Slate, Meagher  
& Flom  
1440 New York Avenue, NW  
Washington, DC 20005  
On Behalf of the Defendant

Also Present: Nikki Martin, PTO  
Ryan Roberson, IRS Special Agent

Audio Operator: Telita Davis

Transcription Company: CompuScribe  
P.O. Box 789  
Cheltenham, Maryland 20706-9998

Proceeding recorded by electronic sound recording,  
transcript produced by transcription service.

I N D E X

	<u>Page</u>
Preliminary Matters	3
Comments by Colleen McGuinn, Esq. Attorney for the Government	4
Comments by Jessie Liu, Esq. Attorney for the Defendant	21
Further Comments by Colleen McGuinn, Esq.	31
Ruling by the Court	35

Keynote: "----" indicates indiscernible in the transcript.

lnc

1                                   P R O C E E D I N G S

2                   (Whereupon, at 12:20 p.m., the hearing began.)

3                   MS. McGUINN: Your Honor, good morning, Colleen  
4 McGuinn on behalf of the Government, calling United States of  
5 America versus Christopher Kamon. Which is our local case  
6 number 22-3247M. Your Honor, good morning and to my --  
7 excuse me, I think it is afternoon. To my left is Special  
8 Agent Ryan Roberson with the IRS.

9                   THE COURT: All right. Good morning to both of  
10 you. And I will note that we have Nikki Martin here from  
11 pre-trial and probation. Good morning.

12                  MS. MARTIN: Good morning, Your Honor.

13                  THE COURT: Good morning, Ms. Liu.

14                  MS. LIU: Good morning. Your Honor, Jessie Liu on  
15 behalf of Christopher Kamon.

16                  THE COURT: Good morning, Mr. Kamon. You all may  
17 be seated. Mr. Kamon, you are here for your detention  
18 hearing. It will be decided today whether you will be  
19 ordered detained pending your trial in this criminal case.  
20 It is pending in the Central District of California.

21                  I expect that various aspects of the case will be  
22 discussed. Possibly to include some of the evidence against  
23 you. And I expect that the lawyers may say things like  
24 drawing conclusions based upon the evidence that they will be  
25 discussing. But I want you to rest assured that today is not

lnc

1 the day of your trial.

2 Today is not the day where you will be judged  
3 innocent or guilty of the charges but one of the things that  
4 I have to consider today is the weight of the evidence  
5 against you. So the evidence will be discussed. But until  
6 the date of your trial, you will still be entitled to the  
7 presumption of innocence. Do you understand all of that?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Very well.

10 Okay, So Ms. McGuinn, this is your motion for  
11 detention. So I will hear from you first. But first I will  
12 have you address the question of the statutory basis to hold  
13 a detention hearing here today.

14 MS. MCGUINN: Thank you, Your Honor. The statutory  
15 basis would be the Government's request based on the  
16 Defendant's risk of flight under 3141(f)(2)(a). The  
17 seriousness of flight -- this is a allegation of wire fraud  
18 which carries a maximum penalty of 30 years. So that is the  
19 basis.

20 THE COURT: All right. So thanks very much. So  
21 what is the evidence as to risk of flight?

22 MS. MCGUINN: Thank you. Your Honor, if it is okay  
23 with Your Honor, I am going to briefly address the factors  
24 under G and then I will address the flight which is sort of  
25 the major issue.

lnc

1 THE COURT: All right. Thanks very much.

2 MS. McGUINN: Thank you. Your Honor, under 3142(g)  
3 the factors as to why detention is appropriate and I am going  
4 to touch on those briefly because I will submit now that  
5 flight is the most weighing concern on the Government at this  
6 point. But the factors to be considered by this Court are  
7 certainly the nature and circumstances of the offense. I am  
8 sure that Your Honor has had an opportunity to read the  
9 complaint that came to us from California.

10 But briefly if I may, the allegations in this case  
11 surround the fact that the Defendant was the Chief Financial  
12 Officer for a large L.A. law firm called Girardi Keese. And  
13 when I say a large law firm, for someone like me who has been  
14 a prosecutor my whole life, when I hear a firm that makes  
15 hundreds of millions of dollars a year, that is unfathomable  
16 to me but apparently that is the type of law firm that we are  
17 dealing with.

18 In this case, that firm was bringing in that type  
19 of money until it as forced into involuntary bankruptcy in  
20 2020. The Defendant by the very nature of being a CFO had  
21 precise and very specific information as to how the finances  
22 in this law firm worked. In this case and what is charged in  
23 the complaint, is the allegations of what I will call sort of  
24 a side fraud which is he is directly responsible under these  
25 allegations for approximately \$10 million or more of a loss

lnc

6

1 from Girardi Keese which I will refer to as GK.

2 That firm is also the subject of a larger theft  
3 scheme that is being investigated with other targets or  
4 persons being charged and the loss on that is about \$100  
5 million of a schedule and that loss is from clients who paid  
6 the firm for their services and that money was being funneled  
7 out and stolen in part by this Defendant but as well as other  
8 lawyers in the firm.

9 It is very -- it is known that the Defendant was  
10 responsible for cutting the checks for this firm. He was in  
11 charge of distributing settlements or the money to the  
12 clients. He had intimate knowledge of the attorneys and the  
13 clients in this firm and who was getting paid and who wasn't.  
14 He was very aware that these clients were therefore not  
15 getting paid in the way that they were supposed to under  
16 their arrangement with this law firm.

17 This is not a Robin Hood type of theft. This is  
18 not a drug addiction type of fueled theft. This is purely  
19 greed and a lavish lifestyle. My colleagues in California  
20 told me that the base level offense in this case just for  
21 Your Honor's consideration is a 33 and that has guidelines  
22 again just for our purposes of discussion, not final number,  
23 we are already talking 135 to 168 months for this particular  
24 offense.

25 THE COURT: That is the range?

lnc

1 MS. McGUINN: That is the range right now. And  
2 again obviously as you know that is just an approximate for  
3 today's discussion. The weight of the evidence against the  
4 Defendant is vast. To my left as I introduced him to you is  
5 Special Agent Roberson who -- he and other agency -- FBI is  
6 involved in this as well. The IRS shared with me, lots of  
7 information about this particular case.

8 I will tell you that the co-schemers were  
9 interviewed as part of this case already. And they have  
10 informed law enforcement that the Defendant would  
11 specifically give them thousands of dollars in checks for re-  
12 furnishing his own personal home or for them to deposit into  
13 their account and then they would give cash back to him. And  
14 these companies were actually in the books that GK  
15 maintained, listed as other vendors.

16 He set up these kind of shell arrangements with  
17 these co-schemers giving them money, taking -- I will use the  
18 colloquial term kickbacks, from them in order to hide the  
19 theft that he was committing. He used checks from the  
20 company as I sort of indicated to do multi-thousand dollar  
21 repairs on his own personal property. He is responsible for  
22 the cooking of the books if we can use that term where he was  
23 paying checks to Bravo which is one of the construction  
24 companies in this case, but they were listed as something  
25 else in the books.

lnc

8

1           He also had a female that he was paying \$20,000 a  
2 month, sort of -- I will use the term retainer. She was his  
3 companion and apparently they met on an escort service type  
4 of website. He would lavish her with gifts including purses  
5 that are valued at \$120,000 including trips to Africa on  
6 safari and things of that nature.

7           The Defendant makes about \$350,000 from last time  
8 he filed taxes. And his lifestyle that we are hearing about  
9 is clearly someone who is living well outside that and is  
10 being furnished by the money that he was stealing from the  
11 law firm. The female witness that I was speaking of, is sort  
12 of the person who provided the most information about the  
13 flight risk that we will get to in a moment.

14           But she was someone who was also receiving and  
15 benefitting from the money that the Defendant was stealing  
16 from the law firm. As to the history and characteristics of  
17 him, and the dangerousness, I will sort of submit on that.  
18 There are no prior convictions as is all too often with while  
19 collared type crimes. This is not someone who comes from a  
20 background of a -- in a criminal world.

21           But it is interesting and I would note in Ms.  
22 Martin's report that when he was asked to sort of discuss his  
23 finances which would certainly be important as to whether or  
24 not any sort of monetary bail would be appropriate,  
25 understandably he was advised by counsel not to discuss it

lnc

1 but I would simply submit, Your Honor, that we have  
2 absolutely no idea given the nature of the theft that I laid  
3 out for you, what ever counsel presents as far as money that  
4 he can put forth. Whether that is actually his money or  
5 whether that is money that is part and parcel of this \$10  
6 million or more dollar theft. That money from the law firm  
7 was also seen paying for automobiles, Porsches. He had more  
8 than one that he had.

9 He had, I think it is 5 properties in California.

10 MR. : Not in California.

11 MS. McGUINN: Oh 5 properties total, I apologize.  
12 It is hard to know when he is not willing to discuss what his  
13 actual direct finances are and we know that he is under the  
14 shadow of all of this money going into his bank account that  
15 this money that he might be talking about is in fact the  
16 proceeds of the theft -- not only that he committed under  
17 this complaint but which is being investigated in the larger  
18 investigation.

19 THE COURT: Can I ask about the evidence that  
20 supports these additional properties in California? I  
21 understood that he admitted that he did own a property in  
22 California that he recently sold.

23 MS. McGUINN: Yes.

24 THE COURT: So what is the evidence as to the other  
25 properties?

lnc

10

1 MS. McGUINN: He sold those properties as well,  
2 Your Honor. They are -- they were listed in other parts of  
3 California and he has since liquidated them and sold them.

4 THE COURT: But what is the evidence that it is  
5 him? I mean, what is the nature of the records that supports  
6 his ownership of those properties?

7 MS. McGUINN: So it is my understanding from my  
8 colleagues in California that they did searches of the sales  
9 and determined that he was the person who had bought and sold  
10 those.

11 THE COURT: Thanks very much.

12 MR. : And we have mortgage payments.

13 MS. McGUINN: And they have the mortgage payments  
14 as well, Your Honor.

15 THE COURT: Great. Thank you.

16 MS. McGUINN: I appreciate that. Thank you. So,  
17 those are addressing the factors that we have here today.  
18 But the main reason as I am sure Your Honor suspects from  
19 reading the complaint is the Government's concern of flight.  
20 And while it is true that for the most part, when I or other  
21 prosecutors stand in court on a wire fraud case, we are not  
22 usually asking for detention. It is not common.

23 Typically if a person has an attorney and it is a  
24 wire fraud case and we are not talking about violence and we  
25 are not talking about danger to the community, it is not too

lnc

11

1 often that we would stand here and ask Your Honor to detain  
2 someone on a crime such as wire fraud. That that is what  
3 makes this Defendant so different from perhaps his other  
4 cohorts that have or will be charged. This Defendant fled.

5 The information that the Government has received is  
6 that the female witness was interviewed by law enforcement  
7 and other lawyers in relation to yet another case that the  
8 Defendant is involved in. And she in August of 2022, after  
9 she was contacted by FBI and law enforcement told the  
10 Defendant that they had found her and that they had  
11 interviewed her and that they had talked to her. And she  
12 tipped him off that this investigation was coming and  
13 circling around him.

14 And it is at that point after learning that she had  
15 been interviewed and some of his other co-schemers that he  
16 had given these checks to, who they then gave cash back to  
17 him after they had been interviewed, it is at that time that  
18 on September 21st of 2022, he boarded a flight for the  
19 Bahamas, had booked a return flight but just never got on  
20 that return flight.

21 THE COURT: Can I ask you one question about  
22 something you --

23 MS. McGUINN: Yes.

24 THE COURT: -- just said. You indicated what the  
25 alleged escort said with regards to his having disclosed to

lnc

12

1 him that -- to the Defendant that agents had come asking  
2 about him. I remember reading something from the complaint  
3 to the effect of Mr. Kamon expected or suspected that he may  
4 be implicated in fraudulent conduct prior to the agent  
5 speaking to Ms. Rokita(sic). And that he made statements  
6 about potentially leaving the country at that point in time.  
7 Is all that correct?

8 MS. McGUINN: Yes, Your Honor. Everything that is  
9 in the complaint is correct. But what is interesting is that  
10 now he is actually -- they have actually found this witness  
11 who actually has a very intimate knowledge of this particular  
12 Defendant and she is laying out that information. I would  
13 argue that it is at that point while he was thinking, had  
14 been planning and thinking about doing these things, the  
15 writing is now on the wall. And it is at that point on  
16 September 21st that he fled to the Bahamas. But he had been  
17 talking about it prior to that, yes.

18 In fact he had told that same witness that he was  
19 thinking of doing this and changing his name and doing what  
20 he needed to do to sort of disappear off of the radar. And  
21 upon going to the Bahamas, Your Honor, as I indicated, he did  
22 not take the return flight home and he just so happened to  
23 show up in BWI airport this past Friday night. He has a  
24 sister as Your Honor probably saw in the report Ms. Martin  
25 prepared, who lives here in Maryland. And it is from our

lnc

13

1 information and from my discussions with my law enforcement  
2 colleagues, that ticket was kind of a last minute because it  
3 popped up that same day and everyone scrambled to get the  
4 complaint done on that Friday.

5           The theft allegations did become public as Your  
6 Honor read in the complaint in 2020 and 2021 and it is at  
7 that point as Mr. -- Agent Roberson was indicating, he began  
8 to sell all those residences that he has in the United States  
9 and liquidating those. I will tell Your Honor that with  
10 regard to the Bahamas, \$2.2 million was wired by the  
11 Defendant to a law firm in the Bahamas that he confirmed in  
12 an e-mail was going through with the purchase of his home  
13 which was \$2.4 million property in the Bahamas. And that sale  
14 was finalized on October 13th of 2022.

15           And I will -- through some research of my own, and  
16 that of my colleagues, in the Bahamas, you can get permanent  
17 residency quicker if you purchase a property that is over  
18 \$750,000. And while extradition is certainly -- you know, I  
19 guess we have an extradition agreement with the Bahamas, once  
20 you are a permanent resident, as I am sure Your Honor know,  
21 that complicates that process for sure. Slows it down. And  
22 from what my colleague in California has indicated to me from  
23 the Office of Internal Affairs, they have had a lot of issues  
24 with the Bahamas lately and things taking months and years in  
25 order for the extradition process to continue or to produce

lnc

14

1 the person back to the United States.

2 As I indicated, he has been liquidating his assets.  
3 There were the sale of 3 or 4 Porsche vehicles. And those  
4 proceeds were actually seen going into his bank account and  
5 ultimately wired to pay for the house in the Bahamas. And it  
6 should be noted that the law firm, GK, is actually who made  
7 the payments for those Porsches. For other Porsches that he  
8 owned.

9 Your Honor, on page 7 of the complaint there is the  
10 discussion of one of his co-schemers, Mr. Arazola(sic) who is  
11 a person who works in construction. He did significant work  
12 on the Defendant's home, the one that was recently sold in  
13 September including about a \$13 million renovation on that  
14 home. On the other home in Encino. And at the home in Palos  
15 Verdes. They were 106 checks written to him and he was  
16 listed as a plumbing vendor in the books.

17 THE COURT: Did you say \$13 million?

18 MS. McGUINN: 13 month renovation, I am sorry. 13  
19 month. I apologize, I am sorry, Your Honor.

20 THE COURT: That is all right.

21 MS. McGUINN: That house in Encino, that he did the  
22 renovations on sold for 680,000 which was also forwarded for  
23 the purchase of the Bahama house. Sorry, Your Honor, the  
24 agent is just confirming for me that that house actually sold  
25 for 3.3 but 680 we can confirm was sent for the -- towards

lnc

1 the purpose of the Bahamas home. I just want to clarify that  
2 point.

3 THE COURT: You said 680? 680,000?

4 MS. McGUINN: Yes. Approximately.

5 THE COURT: Is that part of the 2.2 million that  
6 was wired?

7 MS. McGUINN: Yes.

8 THE COURT: Overseas to the Bahamas?

9 MS. McGUINN: Yes.

10 THE COURT: And so the money that was wired was  
11 used to purchase the Bahamas property?

12 MS. McGUINN: Yes.

13 THE COURT: Okay.

14 MS. McGUINN: Your Honor, aside from that, when the  
15 Defendant was arrested and at BWI airport, it should be noted  
16 that he had four mobile phones on his person. This is  
17 consistent with what other witnesses who have been spoken to  
18 about him talking about leaving the country and talking about  
19 leaving and that he was starting to get -- I will use the  
20 word paranoid about law enforcement and was starting to cycle  
21 through different cell phones that he was using. Those cell  
22 phones have been seized and are still being processed for  
23 purposes of the search warrant.

24 Your Honor, he -- it should be noted and this was I  
25 believe in the complaint, actually it was not in the

lnc

16

1 complaint, my colleague in California shared with me that the  
2 Defendant was part of a civil -- Federal civil suit in San  
3 Francisco in California and that he actually evaded service  
4 of process for several months and it took the District Court  
5 judge there had to extend the service period for the  
6 Plaintiffs because he kept ducking service.

7 I bring that to your attention only because it just  
8 shows a pattern of this Defendant not complying or being  
9 difficult in his compliance with orders of this Court or of  
10 the Court in general. Your Honor, he has an absolute reason  
11 to flee but more importantly he has shown that he would flee  
12 and more importantly he has the assets to do that. In this  
13 particular case, given the pattern of behavior I have laid  
14 out, a promise of a bond or would almost mean nothing,  
15 moreover, there is nothing that can be done at this point to  
16 show that that money or large amount of money would belong to  
17 him anyway.

18 If you look at the pre-trial services report that  
19 Ms. Martin prepared, he talks that -- about that he had been  
20 living with his sister which is simply not true. He had not  
21 been living with his sister. He boarded a flight from  
22 California and went to the Bahamas and that is where he has  
23 been. He talks about his previous California residences but  
24 never mentions the fact that he owned a home in the Bahamas.  
25 He was not forthright with Ms. Martin when he was laying his

lnc

17

1 residential history.

2 In the interview with his sister, who is the only  
3 person held out to Ms. Martin to be an appropriate third  
4 party custodian, even Ms. Martin would agree and has agreed  
5 that she would not necessarily be appropriate because for all  
6 the reasons outlaid in her report but I would say to Your  
7 Honor one, he wasn't physically living there anyway and he  
8 was already lying about that. And he is moreover, 3,000  
9 miles away from where he has been needed to go to court which  
10 makes it difficult when he has already fled the country to  
11 begin with.

12 He has shown in the last 10 -- over 20 excuse me I  
13 think it is the last 10 to 20 years he has multiple  
14 international flights to at least 10 international countries  
15 which suggests that he has at least some knowledge of  
16 international travel and places to go. His attorneys --

17 THE COURT: I am sorry, is that reflected in the  
18 pre-trial services report what you just said?

19 MS. McGUINN: The international travel, yes. That  
20 is one of Ms. Martin's reasons.

21 THE COURT: I am trying to -- oh but you had  
22 additional detail about that?

23 MS. McGUINN: Yes, I had additional detail.

24 THE COURT: And what -- can you review that again  
25 because I -- it went by a little too fast for me.

lnc

1 MS. McGUINN: That is fine, Your Honor. I just  
2 want to make sure it is -- the Defendant has been known to  
3 travel internationally to at least 10 different countries  
4 over the past 20 years. I think it just suggests the person  
5 who understands international travel and certainly has the  
6 means and ability to move around.

7 But importantly and notably to the Government, Your  
8 Honor, is we have the -- a letter and an e-mail from his law  
9 firm that represents him today but it is from the firm that  
10 actually is in -- the branch of their firm that is actually  
11 in Chicago, in Illinois. And they were asked where the  
12 Defendant was living, to provide that information. And in a  
13 letter dated October 31st, so just recently, they provided  
14 that Palos Alos address in California. That is the last  
15 address they had. They provided his cell phone number and  
16 his e-mail address and he was not there.

17 THE COURT: That was after he had sold it.

18 MS. McGUINN: Excuse me? He had sold it --

19 THE COURT: He had sold it.

20 MS. McGUINN: Yes, it is after he had sold it, yes.  
21 And also notably that same law firm or branch of his law firm  
22 in Illinois, in an e-mail dated November 7th, so just a  
23 couple of days ago and in fact while we were here in Court,  
24 sent an e-mail stating that they still don't have any other  
25 address for him. So he was being represented by this law

lnc

19

1 firm. They have no idea where he was. His sister had no  
2 idea where he was. She said in the pre-sentence -- or excuse  
3 me, the pre-trial services report that she thought he was --  
4 he had been traveling to the Bahamas but she really had no  
5 idea where he was actually living.

6 That all in all, Your Honor, when you put all of  
7 those things together, he is absolutely and completely and  
8 totally a flight risk in this case. He has shown that he has  
9 the ability and the desire to get out of our country. He has  
10 bought a property in the Bahamas that he still owns. He left  
11 and did not want or board his return flight. Even if we  
12 surrender his passport, at this point we have no idea where  
13 his assets are, where they are hidden, what he may have done  
14 with these millions of dollars where at this point for  
15 purposes of this discussion, is stolen money.

16 Any promises of a monetary bond quite frankly is  
17 probably paved with dirty money. There would be no way to  
18 show that at this point. There is no reason at this point to  
19 let him go today, just so that he can go on the run again.  
20 It is appropriate to hold him in detention, let him return to  
21 California. If there is a different picture that is put  
22 together in the next coming weeks, by his Counsel, they are  
23 able to determine a place for him to leave in California or  
24 something like that, allow that California judge and those  
25 attorneys to figure that out.

lnc

20

1 But right now, there is just not enough information  
2 to secure that he is going to stay if Your Honor releases him  
3 here in Maryland today, 3,000 miles away from the court where  
4 he is due to report when he has in fact a home in the Bahamas  
5 that he has already purchased and has fled to before. If  
6 there are any other questions, Your Honor, I have the agent  
7 here to my left, if Your Honor has any other specific  
8 questions. I would submit to Your Honor certainly as you  
9 know, this is borrowed information. The agent has much more  
10 specific information if Your Honor has any questions.

11 THE COURT: Okay. I am not sure how specific this  
12 question is getting to but do you have -- I know you have  
13 accounted for or you have computed or the investigators in  
14 the case have computed losses totaling somewhere around \$10  
15 million. How much of that is unaccounted for? Or do we know  
16 how much of that is unaccounted for approximately? Because  
17 we know where some of it went. Some of it went to purchase  
18 property in the Bahamas for example. But what happened to  
19 the rest?

20 MS. McGUINN: So the Agent is indicating obviously  
21 they are having a hard time tracking down all of the assets  
22 but he did start several companies and he was traveling quite  
23 a bit lavishly. The vehicles that I discussed, the homes  
24 that he purchased. But as far as the absolute direct  
25 connection to that 10 million, at this point we don't have a

lnc

21

1 whole clear picture of every dollar that was -- that came  
2 from that particular theft.

3 THE COURT: And do you have any information  
4 regarding why he may have returned to the United States  
5 specifically?

6 MS. McGUINN: All I know is that his sister lives  
7 here in Elkridge. I couldn't tell you why. I don't know if  
8 it is because something was going on with her, she was sick,  
9 I don't know. I just know that the day of the flight is the  
10 day that the FBI -- he was -- his flight information was  
11 certainly flagged for if and when he would return to the  
12 United States and the flight came up the day of the flight.

13 THE COURT: Understood. Thank you, Ms. McGuinn.

14 Ms. Liu?

15 MS. LIU: Good afternoon, Your Honor, thank you  
16 very much. I would like to start by addressing the  
17 circumstances of the offense and I know that the statute  
18 refers to the circumstances of the offense charged. And the  
19 Government has made a number of allegations surrounding  
20 Girardi Keese and of course, there is quite a bit in the  
21 media and elsewhere about Girardi Keese the law firm, but I  
22 want to make a point that even on the papers charging my  
23 client, he is not charged with any overarching fraud that  
24 others at Girardi Keese may have committed.

25 The wire fraud charges are based on an allegation

lnc

22

1 that he embezzled money for his own benefit from Girardi  
2 Keese. So I don't think it is appropriate to take into  
3 account all of the other allegations as yet unproven about  
4 what else may have been happening at the law firm in which he  
5 was working.

6 THE COURT: Well doesn't the statute allow me to  
7 consider past conduct? Irrespective as to whether it was  
8 criminal in nature? Whether it -- regardless as to whether it  
9 was charged or not? Past conduct.

10 MS. LIU: It does, Your Honor, but that past  
11 conduct as of yet there is no evidence on that other than  
12 that he was a bookkeeper and he worked a Girardi Keese for a  
13 length of time. And the -- again if he is charged with  
14 committing certain acts in this particular case and I submit,  
15 Your Honor, that it would be unfair to consider all of the  
16 other allegations that are out there about Girardi Keese.  
17 Because at this point, he is not charged with those offenses.

18 THE COURT: Okay. I understand.

19 MS. LIU: I also like to then turn to what I agreed  
20 with the Government is the crux of the hearing today, which  
21 is the risk of flight. Mr. Kamon is not a risk of flight.  
22 And I want to address one of the specific points that the  
23 Government has just made. First of all, it was suggested  
24 that after the individual that the Government refers to as an  
25 escort was interviewed by the Government that she tipped off

lnc

23

1 my client and that he then went to the Bahamas.

2 In fact, the timing was just the opposite based on  
3 what is alleged in the affidavit. It appears from that  
4 recitation of the facts that he went to the Bahamas on  
5 September 21st and that the individual the Government refers  
6 to was interviewed on September 30th. I also want to address  
7 a few things about the Bahamas. As the Government  
8 acknowledges, there is an extradition treaty between the  
9 United States and the Bahamas.

10 So if Mr. Kamon was trying to flee and put himself  
11 outside the reach of the U.S. Government, he did a very bad  
12 job of it. He chose to go somewhere with an extradition  
13 treaty. He chose to purchase a home in the Bahamas in his  
14 own name. He was attempting to obtain residency there in his  
15 own name and most of all, Your Honor, he returned to the  
16 United States. He was arrested at BWI airport not because he  
17 was trying to leave the country but because he was  
18 voluntarily coming back into the country and obviously had no  
19 idea that this arrest warrant was waiting for him.

20 He does have a sister who lives in this district.  
21 And he was coming back to see her. There are a couple of  
22 other things I would like to address as well with respect to  
23 the risk of flight. First of all, Mr. Kamon has worked with  
24 counsel and has been cooperative with various legal  
25 proceedings over the last several years. He was previously

lnc

1 represented by an attorney named Richard Steinguard and then  
2 he was represented by my firm. The U.S. Attorney's office in  
3 Chicago as Your Honor may know, received a referral from the  
4 Federal District Court there, related to Girardi Keese and  
5 Mr. Kamon's attorneys have been in touch with the U.S.  
6 Attorney's office in Chicago and did not or were not told  
7 that there was any pending there. That is where they  
8 believed that an investigation was pending if it was indeed  
9 pending.

10 My partner, Jack DiCanio received a reach out from  
11 the U.S. Attorney's office in Chicago on August 15th,  
12 2002(sic) and called back several times and did not get a  
13 return call. And so we simply didn't realize that there was  
14 again, I should say there was no attempt to try to dodge a  
15 Federal investigation.

16 THE COURT: What was the purpose of the call?

17 MS. LIU: We don't know. There was a reach out  
18 saying please call and as I understand it from my partner, he  
19 tried several times to reach the AUSA who called and just  
20 didn't hear back. And that was shortly in August of 2022.

21 THE COURT: But it does sound like, at least  
22 according to what Ms. McGuinn told me is that there had been  
23 some contacts with the law firm. I am not sure exactly what  
24 the time frame of that is, you may be talking about a later  
25 time frame. But there were earlier contacts with the law

lnc

25

1 firm, correct?

2 MS. LIU: There have been earlier -- I mean, Mr.  
3 Kamon has had counsel since at least the spring of 2021. And  
4 again first Mr. Steinguard and then my partner, Mr. DiCanio  
5 and the Law firm of Skadden, Arps. I also want to point out  
6 that the Girardi Keese Law Firm went into bankruptcy in late  
7 2020. And according to the Government's own allegations here  
8 today, Mr. Kamon did not leave the country until September of  
9 2022, that was almost 2 years later.

10 And so he was there from September -- late  
11 September until he returned in early November. That was a  
12 period of about 5 or 6 weeks. And so if he were trying to  
13 flee, he could have done so at any point in that two year  
14 period. He could have not returned to the United States. He  
15 could have chosen to go somewhere that didn't have an  
16 extradition treaty.

17 He could have tapped in to the various resources  
18 that the Government alleges that he has. We are certainly  
19 not conceding any of the facts that the Government has  
20 alleged today but the fact of the matter is Your Honor is  
21 that he came back of his own accord. He has the support  
22 of --

23 THE COURT: To Maryland?

24 MS. LIU: Yes, Your Honor.

25 THE COURT: Not to California.

lnc

26

1 MS. LIU: Not to California. To Maryland where his  
2 sister lives, Your Honor. He has not been employed in  
3 California since 2020 so there was really no reason for him  
4 to go back to California. Although he does also have family  
5 there who remain supportive of him. We made an effort to  
6 negotiate a potential bond package with the U.S. Attorney's  
7 office in the Central District of California.

8 Four properties were put on the table as part of  
9 that bond package. There has been a suggestion that those  
10 properties may have been purchased with "dirty money". And  
11 that is -- I want to point to two properties in particular.  
12 One of them was the family home of Mr. Kamon's cousin. There  
13 is no evidence whatsoever that that cousin was in any way  
14 involved in wrong doing. And another property was a property  
15 that Mr. Kamon inherited from his parents who unfortunately  
16 were both deceased fairly recently. And there is no  
17 allegation that I am aware of or any evidence this parents  
18 were or that property that his parents owned were somehow  
19 purchased with dirty money.

20 THE COURT: Who owns that property now?

21 MS. LIU: It is inherited -- it has been inherited  
22 by Mr. Kamon.

23 THE COURT: Okay.

24 MS. LIU: So as part of the -- our understanding is  
25 that -- and we are still trying to confirm this, Your Honor

lnc

1 is that Mr. Kamon does have a cousin in California who is  
2 willing to have Mr. Kamon live with him. We would of course,  
3 agree to the standard of conditions of release if he were to  
4 be released today to make his way back to California to  
5 address the charges there. And there are a couple of other  
6 things that I want to address that the Government has made.  
7 I think there are a bit somewhat minor compared to some of  
8 the things that we have already discussed but I do want to  
9 make sure that they don't go unanswered.

10 There has been a lot of discussion about Mr. Kamon  
11 liquidating his assets. He has been unemployed since the  
12 Girardi Keese law firm collapsed in 2020. And so I don't  
13 think it should be any surprise that he has been in need of  
14 assets and resources. He -- sorry, Your Honor, I just want  
15 to make sure that I have covered all of my points here. In  
16 addition, Your Honor there is an allegation that he had four  
17 mobile phones on him.

18 I personally have three on me at the moment. And  
19 an Ipad, so I don't know exactly where that -- I don't think  
20 that that is necessarily an indication of wrongdoing. At  
21 least I hope not, Your Honor. The Government has also  
22 pointed out that Mr. Kamon traveled to 10 different countries  
23 in the last 20 years. That is about two international trips  
24 a year on average and I submit, Your Honor, that that is not  
25 terribly unreasonable either --

lnc

28

1 THE COURT: Did you say 20 countries in the past 10  
2 years or 10 countries in the past 20 years --

3 MS. LIU: I heard 10 different countries in the last  
4 20 years.

5 THE COURT: So that is one every two years?

6 MS. LIU: That is --

7 THE COURT: On average.

8 MS. LIU: I think that is on average 2 countries a  
9 year, I don't have information about what countries those  
10 are. But I don't -- I submit, Your Honor that it is not  
11 unusual for someone who enjoys traveling to visit a couple of  
12 countries a year.

13 THE COURT: No, it is not unusual but I think if  
14 that fact was offered to support the notion that he is not  
15 unfamiliar with international travel. Is an argument in  
16 favor of a flight obviously.

17 MS. LIU: Your Honor, I understand yes, what the  
18 argument was but what that allegation was offered for. But I  
19 think I would simply restate that whether he is familiar with  
20 intentional travel or not, he just didn't flee under these  
21 facts. He was in the country for two years. He then went to  
22 the Bahamas for five weeks and then he came back. And he  
23 didn't come back to California because that was not where he  
24 had a job and he came back to Maryland because that is where  
25 his sister lives.

lnc

1                   And so, I submit Your Honor, that given the -- as  
2 the Government has acknowledged -- it does not typically ask  
3 for detention in a wire fraud case, which this is and I  
4 submit Your Honor that given the allegations in the  
5 Government's complaint and affidavit, again focusing on the  
6 specific allegations against Mr. Kamon which we certainly  
7 don't agree with and the facts over the last two years since  
8 the collapse of the Girardi Keese Law Firm that he is not a  
9 flight risk and that Your Honor should release him today to  
10 return to California to address the case that is there.

11                   THE COURT: Ms. Liu, I just wanted to make sure  
12 that I understood what you said earlier with respect to the  
13 timing. You have made reference to events occurring in or  
14 being described in paragraph 31 of the complaint. You said  
15 that the timing was off in some kind of way. I think you made  
16 reference to the witness being interviewed on September 30th?

17                   MS. LIU: Yes, Your Honor. In paragraph 31, there  
18 is an allegation that oh I see -- this is an allegation that  
19 Federal investigators tried to contact the witness in or  
20 around August 22nd and then the allegation is that he booked  
21 a flight in September. There was another paragraph 25 that  
22 says that she was interviewed on September 30th, which is  
23 after he left.

24                   THE COURT: Okay. Thank you.

25                   MS. LIU: And that was what I was referring to.

lnc

1 THE COURT: Understood. Let's see -- anyway of  
2 explaining --

3 MS. LIU: Your Honor, one more thing to add was  
4 that my understanding is that Mr. Kamon had gone back and  
5 forth from the Bahamas to the United States a couple of times  
6 and that he returned on November 5th because of a specific  
7 event relating to his family. I don't want to get into the  
8 specific details here in open court. But of course, I am  
9 happy to approach if that is helpful.

10 THE COURT: What is the time frame with the travels  
11 to the Bahamas?

12 MS. LIU: Your Honor, my understand is that there  
13 were several trips between May of 2022 and September relating  
14 to the purchase of a home in the Bahamas. And that the  
15 reason for Mr. Kamon's failure to return on September 22nd  
16 was because there was a delay relating to the purchase of  
17 that home.

18 THE COURT: Okay. And do you have any way of  
19 explaining the discrepant information that we have received  
20 with regards to his resident status? You seem to be conceding  
21 that he bought residential property in the Bahamas but  
22 apparently he indicated to pre-trial services that he was  
23 living with a sister who denies that he was living with her.

24 MS. LIU: Could I have the Court's indulgence for a  
25 moment, Your Honor?

lnc

1 THE COURT: Yes.

2 (Pause.)

3 MS. LIU: Your Honor, my understanding is that the  
4 house in the Bahamas just closed a couple of weeks ago and so  
5 until that point, my client didn't have a residence in the  
6 Bahamas. And so he was using his sister's address.

7 THE COURT: All right. Thank you, Ms. Liu.

8 Ms. McGuinn, do you have any response?

9 MS. MCGUINN: Just briefly, Your Honor, it is quite  
10 differently to say you are living somewhere versus using  
11 someone's address. He told Ms. Martin that he was living  
12 there which is quite different and more importantly never  
13 said a word to her that he had purchased a home in the  
14 Bahamas and was planning to -- ultimately reside there. I  
15 think that is quite deceptive as to trying to hide or not  
16 know or have us all not know where he is.

17 I think it is notable quite frankly that his own  
18 law firm up until the 7th -- the day that we were first here,  
19 didn't even know where he was. Thought he was still living  
20 in a house that he had already sold over a month prior. Your  
21 Honor -- and moreover that that house in the Bahamas as  
22 indicated from my previous presentation was purchased using  
23 money that we know was stolen.

24 Your Honor, the only -- I think the only way a  
25 release could be reliable to this Court would be a third

lnc

32

1 party custodian and right now, we don't have one. We don't  
2 have a reliable one at all. The sister had no idea where he  
3 was, where he was living. Knew that he was using her house  
4 as an address but didn't know otherwise. He just pops up on  
5 the day of, he purchases a flight and shows up here in the  
6 United States, as you said in Maryland, not elsewhere -- in  
7 California.

8 I think for today's purposes, we don't have any  
9 reliable that would allow a release that would ensure that he  
10 would not flee, would not use whatever assets he has which  
11 again we are still not even clear his financial picture --  
12 and I would suggest given the nature of this particular  
13 offense and the large dollar amount involved, there is  
14 probably money put away places we may not even know, we just  
15 don't know what he has access to.

16 For all of those reasons, Your Honor, the risk is  
17 too high. Perhaps it will be lower at some point in the  
18 future. But for today's proceeding, it is too high. The  
19 risk of flight is just too high. And for those purposes and  
20 those reasons, Your Honor, including the weight of the  
21 evidence against him under the factors on 3142, we would ask  
22 that he be detained.

23 THE COURT: Ms. McGuinn, do you have any  
24 information regarding the liquidation of the assets with  
25 respect to the timing of the liquidation of those assets?

lnc

1 Ms. Liu made the argument that he was liquidating assets due  
2 to his unemployment status over the past couple of years. You  
3 suggested that it was part of his flight plan.

4 MS. McGUINN: So I will tell Your Honor the female  
5 witness who was interviewed provided an extensive statement  
6 as to her contact with the Defendant. She indicated that in  
7 the recent months leading up to the ultimate flight to the  
8 Bahamas and purchase of the home that he had told he was  
9 going to be liquidating all of his assets and then somehow  
10 get that money to the Bahamas. He actually at some point  
11 asked if she would come and live with him there.

12 And actually at one point, indicated that  
13 everything worked differently in the Bahamas and that  
14 purchasing the home would be done through attorneys down  
15 there. The female had actually also been to -- with him in  
16 the Bahamas in those months prior on a particular trip. So  
17 her statements so far that she has made to investigators have  
18 been corroborated by the evidence that we are seeing  
19 financially.

20 She indicated that he told her that he was going to  
21 start liquidating her(sic) assets and lo and behold, he is  
22 liquidating his assets.

23 THE COURT: Now I think I may have missed something  
24 from your earlier presentation with respect to the use of  
25 multiple phones. I think you said something in connection

lnc

1 with witness statements about the use of multiple phones by  
2 Mr. Kamon.

3 MS. McGUINN: Yes.

4 THE COURT: Can you repeat that, please.

5 MS. McGUINN: Sure, Your Honor. There is some  
6 witness statements that he had started to become -- again my  
7 choice of words, paranoid about the investigation that was  
8 ongoing and was starting to cycle through phones. And I  
9 agree with counsel, I have more than one phone too. But as  
10 she indicated, her client is unemployed. So it is kind of  
11 unusual in -- when you put it together with everything the  
12 fact that he had four different phones on an international  
13 flight coming back to Maryland is somewhat suspicious.

14 THE COURT: And these witnesses were persons  
15 involved in the fraud scheme?

16 MS. McGUINN: I believe they were some of his co-  
17 schemers and witnesses as well as his female witness that we  
18 spoke to and --

19 THE COURT: Thank you, Ms. McGuinn.

20 MS. McGUINN: Thank you.

21 THE COURT: Ms. Martin, has this cousin -- I don't  
22 know if you know who this cousin is, who has been offered  
23 from California. Has he or she been screened?

24 MS. MARTIN: No, I have been provided no additional  
25 information, Your Honor, since I wrote my report on Monday.

lnc

1 THE COURT: All right. Thank you.

2 Anything additional, Ms. Liu?

3 MS. LIU: No, Your Honor. I just want to again say  
4 that there was a suggestion that my client simply popped up  
5 at BWI. And I contest that characterization. He has been in  
6 touch with his sister who lives in this district. He was  
7 coming back for reasons related to his family and again, he  
8 came back. And I think that fact Your Honor, cuts very, very  
9 strongly against his being a risk of flight. Especially  
10 since the Government now has his passport.

11 THE COURT: Thank you, Ms. Liu. I think for all  
12 intents and purposes, we are going to take a recess until  
13 1:15. But I am going to remain on the bench. Ms. Liu, if you  
14 want to Mr. Kamon, we can put the husher on for you. That is  
15 fine. But I will -- I just say that for counsel's purposes.  
16 If you want to take a break until 1:15, you have the ability  
17 to do that. So we are on recess.

18 (Whereupon, at 1:08 p.m., a brief recess was taken  
19 and at 1:20 p.m., the hearing was recalled.)

20 THE COURT: All right, so this matter is before the  
21 Court on the Government's motion for pre-trial detention  
22 under Title 18 United States Code Section 3142. The issue I  
23 am presented with is whether conditions of pre-trial  
24 supervision can be imposed that would reasonably assure the  
25 safety of the community and the appearance of the Defendant,

lnc

36

1 Mr. Kamon for court proceedings as required. I have reviewed  
2 the pre-trial services report and the criminal complaint  
3 filed in the Central District of California. The Defendant  
4 is charged by that criminal complaint with wire fraud in  
5 violation of Title 18 United States Code 1343 and is pending  
6 trial.

7 A detention hearing here is warranted as noted by  
8 Government Counsel pursuant to 3142(f)(2) because the  
9 Government has moved for detention and the case involves a  
10 serious risk of flight for reasons discussed in detail during  
11 the hearing here today. The Government is indeed requesting  
12 that the Defendant be detained pending trial based upon a  
13 risk that the Defendant will not appear for future  
14 proceedings.

15 The Court will order that the Defendant be detained  
16 pending trial because I find by a preponderance of the  
17 evidence that no condition or combination of conditions will  
18 reasonably assure the appearance of the Defendant for future  
19 proceedings. And as has been discussed Mr. Kamon, I am  
20 required to consider various factors that have been discussed  
21 at length by your Counsel and by the Government Counsel  
22 today. And I am going to just recite where I land on those  
23 factors for you right now to give you the basis for my  
24 ruling.

25 I have considered all of this available information

lnc

1 both from the pre-trial services report, the criminal  
2 complaint and what I have heard from Counsel here today  
3 regarding your history and characteristics, the nature and  
4 circumstances of the offense charged and the weight of the  
5 evidence against you. I understand that you are  
6 approximately 49 years old and that you have the wherewithal  
7 for international interstate travel based upon very recent  
8 travel that you have participated in and travel that you  
9 participated in over the past several years.

10 As to your family ties, Mr. Kamon, I understand  
11 that you have family both in California and in Maryland.  
12 Specifically you have a sister who lives in Maryland. One  
13 significant factor in my determination here is that you claim  
14 to pre-trial services to be living with your sister who lives  
15 in Maryland over the past few months. But it turns out that  
16 your sister didn't know where you lived. And it sounds like  
17 many people didn't know where you were during this recent  
18 time period.

19 You previously lived in California. But even if I  
20 went the other way on this point, your length of residence in  
21 this community has been brief. Your length of residence in  
22 California has been extensive but you have over the past  
23 several months have sought to relocate from California. So I  
24 don't find that this is a factor that cuts in favor of  
25 mitigating your risk of flight.

lnc

38

1           As to your employment status, I understand that you  
2 have been unemployed for the past two years. Perhaps in  
3 connection with the dissolution or bankruptcy status of the  
4 law firm that you were working for. You had previously been  
5 employed at that law firm for many years but not withstanding  
6 your lack of employment, you appear by all indications to be  
7 a person of significant financial resources. Very  
8 significant financial resources based upon properties that  
9 you own and an apparent -- a large amount of cash that you  
10 may have on hand.

11           As to your criminal history, Mr. Kamon is correct,  
12 there really is none to speak of in terms of past criminal  
13 convictions. But you are currently facing a very serious  
14 Federal fraud charge pending in the Central District of  
15 California which takes me to the nature and circumstances of  
16 that offense. It involves a multi-million dollar fraud and  
17 embezzlement scheme occurring over the course of several  
18 years.

19           I am informed that the guidelines range based upon  
20 the factors in play in that fraud scheme, probably most  
21 significantly the loss amount that pushes the sentencing  
22 guidelines range up to 135 to 168 months, with the  
23 understanding that the sentencing guidelines are advisory but  
24 it does speak to a certainly gravity and a certain  
25 seriousness and culpability in connection with the charge

lnc

1 that you are currently facing.

2 And the bottom line is that you are under threat of  
3 a very significant prison sentence that would be significant  
4 for even someone who has a very long criminal history. It  
5 would be a long sentence by any account. More troubling than  
6 just the specific and bear fact as suggested by the evidence  
7 proffered to me, but your involvement in this multi-year,  
8 multi-million fraud scheme is what you did with the resources  
9 that you have and with the resources that you have gained  
10 through the fraud scheme in the recent months.

11 There is a great deal of evidence that has been  
12 presented and discussed here today suggesting a flight plan.  
13 A plan to flee apprehension based upon rising suspicion that  
14 you would be implicated and related investigations of the law  
15 firm that you were working for to include -- what I mean by  
16 flight plan is that that flight plan would include  
17 liquidation of your assets according to apparently reliable  
18 witness statement. Someone who is closely involved with you.  
19 Included moving to the Bahamas, purchasing real estate in the  
20 Bahamas, possibly for purposes of gaining lawful immigration  
21 or resident status in that country.

22 Wiring large sums of money to the Bahamas,  
23 amounting to at least \$2.4 million. Selling and liquidating  
24 your property in California. All to aide according to what  
25 this witness said, all to aid you in this flight. Now, yes

lnc

40

1 this is the word of a person apparently corroborated by a lot  
2 of the transactions that you admit that you conducted over  
3 the past several months. Although you argue that the reason  
4 why you did that is because you needed to, the fact that they  
5 just occurred over the past several months seems to suggest  
6 that it may have more to do with what this witness said which  
7 is that your rising suspicion that you will be implicated in  
8 crimes that were under investigation.

9           Given that the liquidation of the assets occurred  
10 primarily within this year and in fact within the past few  
11 months suggests that it had less to do with your unemployment  
12 status which spanned the past two years. The weight of the  
13 evidence in the case is very substantial as they typically  
14 are in Federal cases including bank records and witness  
15 statements.

16           But I don't find that as a significant factor  
17 because it is not a factor that sort of sets this case apart  
18 from a typical one. However, over all the history and  
19 characteristics of you, the nature and circumstances of the  
20 offense charged and the weight of the evidence in general  
21 tend to suggest that you are a flight risk. And I just want  
22 to make sure that I have covered all of the reasons why I am  
23 making that finding. Hold on one moment.

24           (Pause.)

25           THE COURT: Here are some smaller factors in

lnc

41

1 addition to the ones that I just named. I understand that  
2 there has been a significant amount of international travel  
3 by you over the past several years. That is not suggestive  
4 of a tendency to want to flee prosecution but it is  
5 suggestive of you having the means and know how to flee. If  
6 you ever had the incentive to do so. And a very high prison  
7 sentence that you face -- that you are facing does provide  
8 that incentive and the witness statement does seem to suggest  
9 that incentive was a motivating factor for you in some of  
10 your financial activities and travel over the past several  
11 months.

12 Much has already been said about the actual  
13 circumstances and facts of the case. I mean, we talked about  
14 embezzlement to enrich yourself with cash, upgrades to your  
15 property and escort services. Which apparently is how you  
16 got the means and how you got the financial resources to buy  
17 property in the Bahamas according to what has been proffered  
18 to me.

19 The fact -- another fact related to the underlying  
20 fraud is that your falsification of your firms books and  
21 their internal records seems to suggest a lack of  
22 trustworthiness, frankly. And obviously a great deal of  
23 trust would need to be placed in you by this Court in order  
24 to release you -- order your release in the circumstances of  
25 this case.

lnc

42

1 Now, your Counsel quite appropriately made several  
2 arguments against the notion that you were a flight risk  
3 including the fact that the Bahamas is not an extradition or  
4 has an extradition treaty with the United States suggesting  
5 that if you wanted to flee effectively you could have gone to  
6 a country that did not have the arrangement with the United  
7 States.

8 That you bought the property that you bought in the  
9 Bahamas under your own name. But I think that while those  
10 are factors suggesting that your flight plan was not complete  
11 in the Bahamas, it may be that the Bahamas drew you to it for  
12 other reasons including obviously it is well known attractive  
13 scenery and the fact that more important is offered by the  
14 prosecution here that it will allow you pretty easily to gain  
15 lawful status there.

16 And it could have served as a launch pad to further  
17 flight. It would have been easier for you to flee from the  
18 Bahamas than to fly from the United States given the  
19 circumstances of the case. It has been offered that you  
20 returned to the United States but it is also in the same  
21 breath been offered that you didn't know about this arrest  
22 warrant. And based upon your conduct and based upon the  
23 evidence that has been presented to me is that I believe that  
24 if you did know about the arrest warrant, your return would  
25 have been unlikely.

lnc

1 Understand that you have, according to your  
2 Counsel, cooperated to some degree with legal proceedings in  
3 the past. Given that the law firm that you work for has been  
4 under investigation for quite some time. However, it appears  
5 that the same law firm didn't know where you were in the  
6 recent time as your family members also didn't know where you  
7 were.

8 It has been offered that you didn't leave the  
9 country until many months after becoming aware of the  
10 investigation but I don't think that cuts one way or the  
11 other really because if you hadn't -- if you didn't leave at  
12 any earlier point in time, that could have very well been  
13 based upon the fact that leaving at that point in time when  
14 you first became aware of the investigation, would have made  
15 you look guilty and complacent in the fraud that was being  
16 investigated.

17 So, based upon all of that, I do find by  
18 preponderance of the evidence, that you are a risk of flight  
19 and a risk of non-appearance. So the next question that I  
20 must address is whether conditions of supervision can be set  
21 that would adequately assure your appearance for future  
22 proceedings. Your Counsel offered the possibility of a bond  
23 or money being offered for a bond. But it has been -- it is  
24 apparent to me that there is a very strong possibility that  
25 any money that you offer for an adequate bond in this case,

lnc

1 to assure the Court that you would not flee, might be money  
2 that doesn't belong to you, given the allegations of the  
3 embezzlement and the fraud.

4 The third party custodian that is in Maryland would  
5 be unfit because she apparently didn't know where you were  
6 during the recent time period. And you didn't make  
7 discrepant information about -- you were provided discrepant  
8 information about your resident status in connection with  
9 that third party custodian. The one that has been offered in  
10 the Central District of California, I have no information  
11 about to ensure myself that that person is trustworthy and  
12 willing and able to take on the responsibilities of a third  
13 party custodian.

14 Understand that an effort has been made to  
15 negotiate a bond with another U.S. Attorney's office.  
16 Nothing in my ruling is going to prevent any further  
17 negotiation that you might make with that office. And it may  
18 be that you can continue to negotiate this matter. That your  
19 Counsel can continue to acquire information that would be  
20 suggestive of your need to be or it would be appropriate for  
21 you to be released. And your Counsel would have the ability  
22 once you are in a Central District of California to seek your  
23 release there or even to appeal my ruling directly.

24 But at this point in time for the reasons that I  
25 have just offered, I will order your detention based upon a

lnc

1 finding that no conditions or combination of conditions can  
2 assure your appearance for a future court proceeding. And I  
3 will enter a written order on the docket to reflect that  
4 ruling.

5 Now, my understanding Ms. Liu is that Mr. Kamon has  
6 waived an identity hearing, is that correct?

7 MS. LIU: That is correct, Your Honor.

8 THE COURT: And Ms. McGuinn, I am not sure that I  
9 ever received a signed copy of the arrest warrant in this  
10 case. Do you have one?

11 MS. MCGUINN: Not on me at the time but I do have  
12 one on my computer at the office, I can forward that to your  
13 chambers.

14 THE COURT: Okay. I would appreciate that. I will  
15 wait to see that before ordering the remand. Upon the  
16 production of that arrest warrant and combination with the  
17 fact that the -- Mr. Kamon has waived his identity hearing,  
18 he would be appropriate for remand to the Central District of  
19 California and I would enter that order under receipt of the  
20 copy of the arrest warrant.

21 All right, I believe that covers everything. Is  
22 there anything else for us to cover, Ms. McGuinn?

23 MS. MCGUINN: Not for this matter, Your Honor.

24 THE COURT: Ms. Liu, do you have anything?

25 MS. LIU: Your Honor just one other thing as we

lnc

46

1 mentioned at the hearing on Monday, Mr. Kamon has some back  
2 practice and he has indicated that those continue to be an  
3 issue in his current situation. So I just wanted to  
4 reiterate that. I am happy to fill out another form if that  
5 helps.

6 THE COURT: Yes, please do that right now so we can  
7 make sure that that paperwork is properly relayed.

8 MS. MCGUINN: Your Honor, I had a copy on my phone.  
9 I am going to forward it to your chambers right now.

10 THE COURT: Perfect. Thank you.

11 All right. Thank you for this, Ms. Liu. Did you  
12 complete this the other day?

13 MS. LIU: Yes, Your Honor.

14 THE COURT: Okay so it is basically the same form  
15 again?

16 MS. LIU: It is.

17 THE COURT: I apologize, I forgot that you had done  
18 it already.

19 MS. LIU: Thank you, Your Honor.

20 THE COURT: Is there anything else for us to cover,  
21 Ms. McGuinn? I think I asked that already.

22 MS. MCGUINN: No, Your Honor. Thank you so much.

23 THE COURT: Thank you all. You are excused.

24 (Whereupon, at 1:36 p.m., the hearing concludes.)  
25



# EXHIBIT 2

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

155 NORTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606-1720

TEL: (312) 407-0700

FAX: (312) 407-0411

[www.skadden.com](http://www.skadden.com)

DIRECT DIAL  
(312) 407-0516  
DIRECT FAX  
(312) 407-8523  
EMAIL ADDRESS  
[CHARLES.SMITH@SKADDEN.COM](mailto:CHARLES.SMITH@SKADDEN.COM)

FIRM/AFFILIATE OFFICES

BOSTON  
HOUSTON  
LOS ANGELES  
NEW YORK  
PALO ALTO  
WASHINGTON, D.C.  
WILMINGTON  
  
BEIJING  
BRUSSELS  
FRANKFURT  
HONG KONG  
LONDON  
MUNICH  
PARIS  
SÃO PAULO  
SEOUL  
SHANGHAI  
SINGAPORE  
TOKYO  
TORONTO

October 31, 2022

**BY EMAIL**

Alexander G. Tievsky  
Edelson P.C.  
350 N. LaSalle Street, 14<sup>th</sup> floor  
Chicago, IL 60654  
[atievsky@edelson.com](mailto:atievsky@edelson.com)

RE: *Edelson PC v. Girardi, et al.*, 20-cv-70115 (N.D.Ill.)

Dear Mr. Tievsky:

On behalf of Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden"), a non-party to the above-referenced action (the "Litigation"), I write in response to the subpoena, dated October 7, 2022 (the "Subpoena") served on Skadden. This letter serves as Skadden's written response and objection to the Subpoena, which calls for the production of documents that are neither relevant to the claims and defenses in the Litigation nor reasonably likely to lead to the discovery of admissible evidence when we can provide the requested information without the expense of producing documents. Skadden also objects to the Subpoena to the extent it seeks documents already within the possession of your client or that could be obtained more easily from other parties to the Litigation or the other non-parties subpoenaed.

We understand that your objective is to effect service on Mr. Christopher Kamon. As his contact information is not privileged, we are willing to provide what information we have without producing documents that contain this information, if any exist. Upon review of the information below, we are willing to meet and confer if you believe that the production of non-privileged documents in Skadden's

Alexander G. Tievsky  
October 31, 2022  
Page 2

possession, that you cannot obtain elsewhere, is necessary to obtain the material sought in the Subpoena.

In response to the Subpoena for documents containing the contact information of Mr. Christopher Kamon, Skadden has the following information:

- Last known address: 4030 Admirable Drive, Rancho Palos Verdes, CA 90275
- Last known phone number: 747-229-1821
- Last known email address: 911kamon@gmail.com

Skadden expressly reserves the right to supplement these responses. Skadden is willing to discuss the objections presented herein with counsel for Plaintiff for the purpose of resolving any disputes that may arise without the need for intervention by the Court.

If you have any questions, please call me at the number above.

Sincerely,



Charles F. Smith

**From:** Smith, Chuck <Charles.Smith@skadden.com>  
**Sent:** Monday, November 07, 2022 2:50 PM  
**To:** 'Alex Tievsky'  
**Cc:** Haberman, Lauren A; Eli Wade-Scott; Hannah Hilligoss; Amy Hausmann  
**Subject:** [Ext] RE: Letter re: Edelson PC v. Girardi, et al., #20-cv-07115

Alex,  
We have confirmed that Skadden has no other address for Mr. Kamon.

Best,  
Chuck

**Chuck Smith**  
Partner  
Skadden, Arps, Slate, Meagher & Flom LLP  
155 North Wacker Drive | Chicago | Illinois | 60606-1720  
[T: +1.312.407.0516](tel:+13124070516) | [M: +1.847.323.0577](tel:+18473230577)  
[charles.smith@skadden.com](mailto:charles.smith@skadden.com)

*pronouns: He/Him/His*

Skadden

---

**From:** Alex Tievsky <atievsky@edelson.com>  
**Sent:** Tuesday, November 1, 2022 6:49 PM  
**To:** Smith, Chuck (CHI) <Charles.Smith@skadden.com>  
**Cc:** Haberman, Lauren A (NYC) <Lauren.Haberman@skadden.com>; Eli Wade-Scott <ewadescott@edelson.com>; Hannah Hilligoss <hhilligoss@edelson.com>; Amy Hausmann <abhausmann@edelson.com>  
**Subject:** Re: [Ext] Letter re: Edelson PC v. Girardi, et al., #20-cv-07115

Chuck,

Thank you for your letter. We're aware that Mr. Kamon sold his interest in the Admirable Drive property in September. Can you please double check that you do not have other information regarding Mr. Kamon's present address or any other addresses he may use? If the answer is no, then a declaration to that effect would be appropriate.

Alex

**Edelson PC**  
**Alexander G. Tievsky**  
350 N LaSalle St, 14th Floor, Chicago, IL 60654  
d 312.589.6379 · t 312.589.6370 · [edelson.com](http://edelson.com)

On Mon, Oct 31, 2022 at 2:48 PM Smith, Chuck <[Charles.Smith@skadden.com](mailto:Charles.Smith@skadden.com)> wrote:

Hello, Mr. Tievsky. Please see the attached letter I'm sending on behalf of Chuck Smith. The original is also being sent by U.S. Mail.

**Kim R. Taylor**  
Partner/Counsel Secretary

**Skadden, Arps, Slate, Meagher & Flom LLP**

155 North Wacker Drive | Chicago | Illinois | 60606-1720  
**T: +1.312.407.0866 | F: +1.312.407.0411**  
[kim.taylor@skadden.com](mailto:kim.taylor@skadden.com)

-----  
This email (and any attachments thereto) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email (and any attachments thereto) is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original email (and any copy of any email) and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

=====

-----  
This email (and any attachments thereto) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email (and any attachments thereto) is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original email (and any copy of any email) and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

=====

# EXHIBIT 3

**Sent:** Wednesday, December 08, 2021 10:04 AM  
**To:** Alex Tievsky; Emily Wall  
**Cc:** DiCanio, Jack P; Jay Edelson; Eli Wade-Scott; Amy Hausmann; Edith Matthai; Leigh Robie; Ryan Saba  
**Subject:** [Ext] RE: Urgent: Court Order in In Re Lion Air, No. 18-cv-07686 (N.D. Ill.)  
**Attachments:** 12-8-21 C Kamon Declaration re Lion Air.pdf

Hello,

In response to this Court's order for Christopher Kamon to appear in Courtroom 2303 at 10:00 A.M. on December 9, 2021 in the matter of *In re: Lion Air Flight JT 610 Crash*, 18-cv-07686-TMD (N.D. Ill.), please find the attached declaration stating that Mr. Kamon intends to invoke his constitutional rights pursuant to the Fifth Amendment..

It is our understanding that this declaration shall excuse Mr. Kamon from the December 9, 2021 appearance.

Sincerely,

Matthew Tako

**Matthew J. Tako**

Associate

**Skadden, Arps, Slate, Meagher & Flom LLP**

300 South Grand Avenue | Los Angeles | California | 90071-3144

**T: +1.213.687.5108 | F: +1.213.621.5108**

**[matthew.tako@skadden.com](mailto:matthew.tako@skadden.com)**

 Please consider the environment before printing this email.

---

**From:** DiCanio, Jack P (PAL)

**Sent:** Wednesday, December 8, 2021 8:48 AM

**To:** Alex Tievsky <[atievsky@edelson.com](mailto:atievsky@edelson.com)>

**Cc:** Jay Edelson <[jedelson@edelson.com](mailto:jedelson@edelson.com)>; Eli Wade-Scott <[ewadescott@edelson.com](mailto:ewadescott@edelson.com)>; Amy Hausmann <[abhausmann@edelson.com](mailto:abhausmann@edelson.com)>; Edith Matthai <[EMatthai@romalaw.com](mailto:EMatthai@romalaw.com)>; Leigh Robie <[LRobie@romalaw.com](mailto:LRobie@romalaw.com)>; Ryan Saba <[rsaba@rosensaba.com](mailto:rsaba@rosensaba.com)>; Emily Wall <[Emily\\_Wall@ilnd.uscourts.gov](mailto:Emily_Wall@ilnd.uscourts.gov)>; Tako, Matthew J (LAC) <[Matthew.Tako@skadden.com](mailto:Matthew.Tako@skadden.com)>

**Subject:** Re: Urgent: Court Order in In Re Lion Air, No. 18-cv-07686 (N.D. Ill.)

Hi Alex. Thank you for the email. We'll circulate that letter to this group today. Best, J

Sent from my iPad

On Dec 8, 2021, at 9:38 AM, Alex Tievsky <[atievsky@edelson.com](mailto:atievsky@edelson.com)> wrote:

Mr. DiCanio:

I'm sending this email pursuant to the instruction of Hon. Thomas Durkin in open court this morning. Judge Durkin has asked me to inform you that Christopher Kamon is ordered to appear tomorrow

morning at 10:00 a.m. in courtroom 2303, 219 S Dearborn Street, Chicago, IL. Mr. Kamon will be excused from this appearance upon receipt of a letter from you confirming that he is exercising his Fifth Amendment right not to testify.

Judge Durkin's courtroom deputy, Emily Wall, is copied on this email.

Best,  
Alex Tievsky

**Alexander G. Tievsky | Edelson PC**  
350 North LaSalle Street, 14th Floor  
Chicago, Illinois 60654  
312.589.6379 (direct) | 312.589.6370 (firm) | 312.589.6378 (fax)  
[atievsky@edelson.com](mailto:atievsky@edelson.com) | [www.edelson.com](http://www.edelson.com)

---

**CONFIDENTIALITY AND LIABILITY FOR MISUSE.**

The information contained in this communication is the property of Edelson PC. It is confidential, may be attorney work product, attorney-client privileged or otherwise exempt from disclosure under applicable law, and is intended only for the use of the addressee(s). Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please notify Edelson PC immediately by return e-mail and destroy this communication and all copies thereof, including all attachments.

Pursuant to requirements related to practice before the U.S. Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

-----  
This email (and any attachments thereto) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email (and any attachments thereto) is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original email (and any copy of any email) and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

=====

**AFFIDAVIT OF CHRISTOPHER KAMON**

I, Christopher Kamon, hereby state under penalty of perjury that, if called as a witness in pending contempt proceedings regarding Keith Griffin and David Lira in *In re: Lion Air Flight JT 610 Crash*, 18-cv-07686-TMD (N.D. Ill.), I would follow the advice of my counsel and invoke my constitutional rights to remain silent.

Dated this 8<sup>th</sup> day of December, 2021, in Rancho Palos Verdes, California.

  
\_\_\_\_\_  
CHRISTOPHER KAMON

1 Edelson firm agree with that?

2 MR. EDELSON: Correct.

3 THE COURT: Attorneys for Griffin and Lira agree with  
4 that?

5 MS. MATTHAI: Yes, Your Honor.

6 MR. SABA: Yes, Your Honor.

7 THE COURT: All right. And Chris Kamon, who is  
8 apparently the CFO or bookkeeper or some type of financial  
9 person at Girardi Keese, I don't know if I had the attorney  
10 for Mr. Kamon on the line to acknowledge that he would take  
11 the Fifth Amendment -- exercise the Fifth Amendment privilege  
12 if called as a witness. Is that your understanding he would?

13 MR. EDELSON: Correct, Your Honor.

14 THE COURT: Did you have communications with his  
15 attorney?

16 MR. TIEVSKY: So I did speak to his attorney at  
17 Skadden. I explained that Mr. Girardi had taken the Fifth and  
18 that I knew Mr. Kamon had taken the Fifth in other  
19 proceedings, but he did not specifically represent to me that  
20 Mr. Kamon would take the Fifth in this proceeding.

21 THE COURT: Who is his attorney?

22 MR. TIEVSKY: It's Jack DiCanio at Skadden Arps.

23 THE COURT: Okay. Have you had an actual  
24 representation from his attorney that he would exercise his  
25 Fifth Amendment privilege in these proceedings if called?

1 MS. MATTHAI: The representation that was made to me  
2 was that Mr. Kamon did not wish to come to these proceedings.  
3 And he did not specifically tell me that he would take the  
4 Fifth. He gave a very Skadden-esque answer to that question.

5 THE COURT: All right. I won't even ask to follow up  
6 on that.

7 How about for Mr. Griffin?

8 MR. SABA: Your Honor, I have not communicated with  
9 this lawyer, but I can tell you that he did take the Fifth  
10 Amendment privilege in a deposition in which it occurred in  
11 the bankruptcy court.

12 THE COURT: Okay. Here's what we're going to do.  
13 Contact the attorney for Mr. Kamon, the attorney at  
14 Skadden Arps. Let that person know that Mr. Kamon will be due  
15 in this Court tomorrow morning at 10:00 absent a letter from  
16 the attorney indicating that his client will exercise his  
17 Fifth Amendment privilege if called as a witness. Otherwise,  
18 he's here tomorrow morning. Okay? I expect we'll get a  
19 letter, but that's the way we're going to do it because I want  
20 it on the record. I don't want any lingering -- there was a  
21 request by one of the attorneys saying that Mr. Griffin and  
22 Mr. Kamon were unavailable. I want to make sure that  
23 Mr. Kamon is truly unavailable -- I'm sorry -- Mr. Girardi and  
24 Mr. Kamon are unavailable. Mr. Girardi is unavailable because  
25 of his -- exercising his Fifth Amendment privilege. I want to

1 make sure that's true with Mr. Kamon before we let him go.

2 MR. TIEVSKY: I could send an e-mail to Mr. DiCanio  
3 now.

4 THE COURT: Please do that. Let me know what  
5 response you get. It's got to be a letter or an e-mail  
6 officially from an attorney from Mr. Kamon saying if called as  
7 a witness in this proceeding he would exercise his Fifth  
8 Amendment privilege. Absent that, he's here tomorrow morning  
9 at 10:00.

10 Okay. Thank you.

11 MR. EDELSON: Thank you, Your Honor.

12 THE COURT: All right. Ms. Matthai.

13 MS. MATTHAI: Thank you.

14 Good morning. We thank you for having this in-person  
15 hearing and for holding this matter in abeyance until we could  
16 come here personally despite the troubles that the entire  
17 country has had for the last almost two years now.

18 This Court has defined a scope of this hearing that  
19 it's a fact-finding exercise. However, I think it is  
20 important to just touch on a couple of points, that it is a  
21 contempt hearing. It is not a hearing on a violation of an  
22 injunction. Two different sets of laws apply. And it's also  
23 important as we go through the statements and the witnesses,  
24 it's going to take a careful ear to hear what is said.

25 Repeatedly, Mr. Edelson used the words "they." This

# EXHIBIT 4


**PACIFIC PREMIER BANK®**
**STATEMENT OF ACCOUNT ACTIVITY**

866-353-1476

www.ppbi.com

**STAR EMERALD, LLC**  
**4030 ADMIRABLE DR**  
**RANCHO PALOS VERDES CA 90275-6030**

Page 1 of 2  
 Branch 145  
 Account Number: [REDACTED]  
 Date 08/31/2022  
 EM

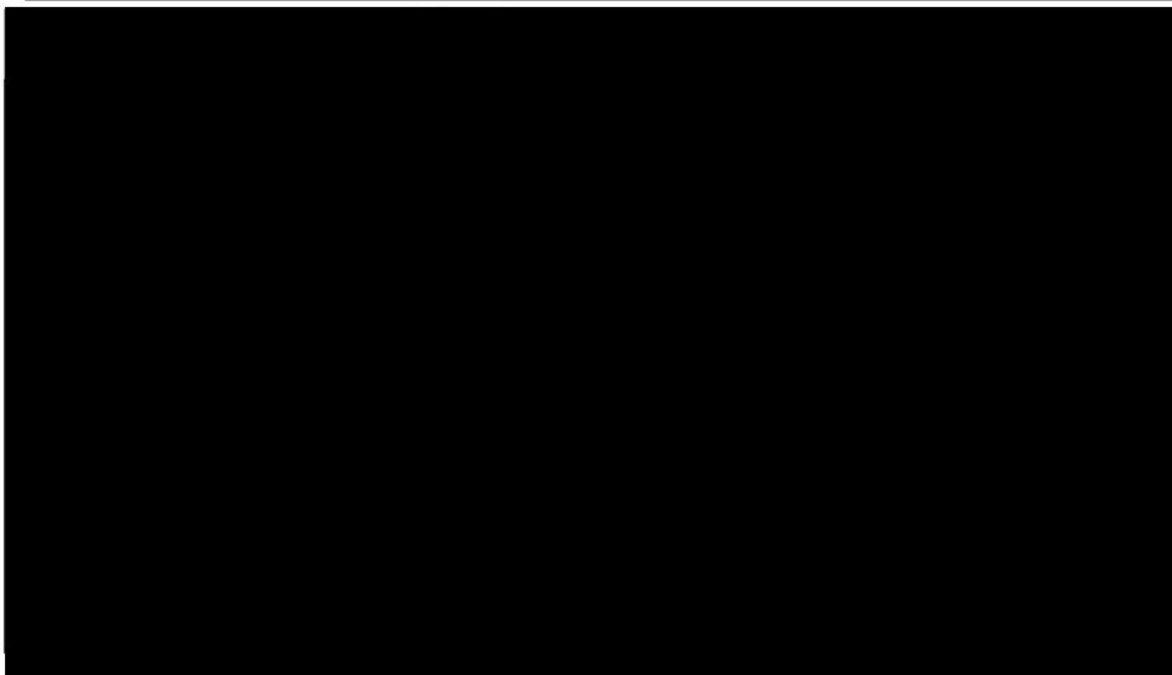
**EXECUTIVE 50 CHECKING**
**Acct** [REDACTED]

**Summary of Activity Since Your Last Statement**

Beginning Balance	8/01/22	1,383,343.12
Deposits / Misc Credits	0	.00
Withdrawals / Misc Debits	11	1,383,005.35
** Ending Balance	8/31/22	337.77 **
Service Charge		5.00
Average Collected Balance		401,795

**Withdrawals and Debits**

Date	Deposits	Withdrawals	Activity Description
8/10		1,382,515.00	BENE: BAYCOURT CHAMBERS TRN: P202208100069544
8/10		50.00	OUTGOING WIRE FEE-P202208100069544
8/31		5.00	BALANCE REQUIREMENT FEE

**ATM /POS Transactions**


80897



BIRCH LEASING COMPANY LLC  
4030 ADMIRABLE DR  
RANCHO PALOS VERDES CA 90275

**Commercial Checking statement**

July 1, 2022 to July 31, 2022

Account number [REDACTED]

**Account summary**

<b>Beginning balance on July 1, 2022</b>	<b>\$887,757.91</b>
Less withdrawals	
ATM/Debit Card withdrawals	-\$24,875.82
Electronic (EFT) withdrawals	-\$190,000.00
Transfers to other accounts	-\$33,000.00
<b>Ending balance on July 31, 2022</b>	<b>\$639,882.09</b>

**Call**  
(800) 522-2265  
**Visit our web site**  
[www.comerica.com](http://www.comerica.com)

**Write to us**  
COMERICA BANK  
21153 HAWTHORNE BLVD  
TORRANCE, CA 90503-4597

The Account Balance Fee for this statement  
period for this account is \$0.125/\$1,000.

Commercial Checking statement  
July 1, 2022 to July 31, 2022

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Commercial Checking account details:** [REDACTED]

**ATM/Debit Card transactions this statement period**

Bank

[REDACTED]	
------------	--

**Electronic withdrawals this statement period**

Date	Amount (\$)	Activity	Reference numbers	
			Customer	Bank
Jul 27	-190,000.00	Wire # 014785 Bnf Baycourt Chamb Fed # 002069		[REDACTED]
Total Electronic Withdrawals: -\$190,000.00				
Total Number of Electronic Withdrawals: 1				

**Transfers to other accounts this statement period**

[REDACTED]	
------------	--

Total Transferred to Other Accounts: -\$33,000.00  
Total Number of Transfers to Other Accounts: 6

 **Lowest daily balance**

Your lowest daily balance this statement period was **\$639,882.09**  
on July 29, 2022.

80897



BIRCH LEASING COMPANY LLC  
4030 ADMIRABLE DR  
RANCHO PALOS VERDES CA 90275

**Commercial Checking statement**

November 1, 2022 to November 30, 2022

Account number [REDACTED]

**Account summary**

<b>Beginning balance</b> <b>on November 1, 2022</b>	<b>\$6,217.35</b>
Plus deposits	
Transfers from other accounts	\$700,890.00
Less withdrawals	
ATM/Debit Card withdrawals	-\$5,385.98
Electronic (EFT) withdrawals	-\$700,000.00
Fees and service charges	-\$42.30
<b>Ending balance</b> <b>on November 30, 2022</b>	<b>\$1,679.07</b>

**To contact us**

**Call**  
(800) 522-2265  
**Visit our web site**  
[www.comerica.com](http://www.comerica.com)

**To contact us**

**Write to us**  
COMERICA BANK  
21153 HAWTHORNE BLVD  
TORRANCE, CA 90503-4597

**Important information**

The Account Balance Fee for this statement period for this account is \$0.125/\$1,000. Effective 1/1/23, the 10% reserve requirement on investable balances will be discontinued and the following fee changes will be in effect: \$29/month Account Maintenance, \$13/month Paper Statement, \$10/each Foreign Check Processing Fee. The following Sweep fees will apply to all balances: \$175 per account/month Sweep to Investment Only, \$250 per account/month Sweep to Loan Only and \$300 per account/month Sweep to Investment and Loan.

**Thank you****Thank you**



07/27/2022  
21:10:01

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 84742

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR  
SENDER'S DDA # [REDACTED]

TRN REF #: 20220727-00014785

-----  
\*\*\*\* MESSAGE ENVELOPE \*\*\*\* ( Bank : 048 )

SRC:VRE CALLER:KAMON, CHRIS

SND DATE: 22/07/27  
EXT:

RPT# AMT:190,000.00 CUR:USD TRDR#

TEST: DUE: TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N

DBT [REDACTED] CDT [REDACTED] ADV:FED

DEBIT VAL: 22/07/27 CREDIT VAL: 22/07/27

DEPT:95836 JPMORGAN CHASE BANK, NA

BIRCH LEASING COMPANY LLC NEW YORK, NY

4030 ADMIRABLE DR

RANCHO PALOS VERDES CA 90275 COUNTRY OF RESIDENCY: US

COUNTRY OF RESIDENCY: US BNF BANK: [REDACTED] WIR:

SPECIAL INSTRUCTIONS: SCOTIABANK (BAHAMAS) LTD

AGR 6/28/22 DH SCOTIABANK BUILDING

RAWSON SQUARE

NASSAU,BS-NOSCBSNS

BNF: [REDACTED] CHG: BK?N

BAYCOURT CHAMBERS

BNF MAILING COUNTRY: BS

\*\*\*\* CREDIT PAYMENT MESSAGE TEXT \*\*\*\*

{1510} Type/Subtype Code:

Type Code: 10 (Transfer of funds)

Subtype Code: 00 (Regular transfer)

{2000} Amount: \$190,000.00

{3100} Sending Bank:

ABA number: [REDACTED]

Short name: COMERICA CALIFORNI

ABA lookup (AUX): COMERICA BANK

SAN JOSE, CA

{3320} Sender Reference: [REDACTED]

07/27/2022  
21:10:01

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 84743

{3400} Receiving Bank:  
ABA number: [REDACTED]  
Short name: JPMCHASE  
ABA lookup (AUX): JPMORGAN CHASE BANK, NA  
NEW YORK, NY

{3600} Business Function Code: CTP (Customer transfer plus)

{4100} Beneficiary's Bank:  
[REDACTED]  
SCOTIABANK (BAHAMAS) LTD  
SCOTIABANK BUILDING  
RAWSON SQUARE  
NASSAU,BS-NOSCBSNS

{4200} Beneficiary:  
[REDACTED]  
BAYCOURT CHAMBERS

{4320} Reference for Beneficiary: [REDACTED]

{5000} Originator:  
[REDACTED]  
BIRCH LEASING COMPANY LLC  
4030 ADMIRABLE DR  
RANCHO PALOS VERDES CA 90275

\*\*\* MESSAGE TEXT \*\*\*

2!GJS587!0!!!!!!\*^1^VRE^^D^048:1895321972^^

MESSAGE HISTORY SEQUENCE

-----

048 is the owning bank. Priority:

\*SYS\_MEMO  
REF\_INDEX  
MTRANSFTRENT\_LOG  
SYS\_MEMO  
\*DDA\_INQ\_DBT  
\*GL\_INQ\_CDT  
\*ADR\_MSG\_QUE  
Memo: DBT/126612  
\*DBT\_AUT  
CALLBACKQ DEQ  
Memo: Rsn: ACNRP ENT

GJS587 - CB CHRIS KAMON  
REF #: [REDACTED] 27-JUL-2022 15:24:40.83  
OPRID: GJS587 TIME: 27-JUL-2022 15:24:40.83  
\*CVD:15 DVD:13 PSD:100 SSD:100 DBD:1 CBD:1  
TEXT: [REDACTED]

002

002

002MTRANS\_CALLBACK\_LOG OPRID: SXG003 TIME: 27-JUL-2022 15:50:22.11

Memo: Contact: KAMON, CHRIS, Via-Pin 22645  
\*SYS\_MEMO  
-2022 15:50:22.11

Stop\_Check msg routed to EXTERNAL STOP SERVER 27-JUL

08/10/2022  
21:08:42

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 69523

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR  
SENDER'S DDA # [REDACTED]

TRN REF #: [REDACTED]

-----  
\*\*\*\* MESSAGE ENVELOPE \*\*\*\* ( Bank : 048 )

SRC:VRE CALLER:KAMON, CHRIS

SND DATE: 22/08/10  
EXT:

RPT# AMT:683,000.00 CUR:USD TRDR#

TEST: DUE: TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N

DBT [REDACTED] CDT [REDACTED] ADV:FED

DEBIT VAL: 22/08/10 CREDIT VAL: 22/08/10

DEPT:95836 JPMORGAN CHASE BANK, NA

BIRCH LEASING COMPANY LLC NEW YORK, NY

4030 ADMIRABLE DR

RANCHO PALOS VERDES CA 90275 COUNTRY OF RESIDENCY: US

COUNTRY OF RESIDENCY: US BNF BANK:[REDACTED] WIR:

SPECIAL INSTRUCTIONS: SCOTIABANK (BAHAMAS) LTD

AGR 6/28/22 DH SCOTIABANK BUILDING

RAWSON SQUARE

NASSAU,BS

BNF:[REDACTED] CHG: BK?N

BAYCOURT CHAMBERS

BNF MAILING COUNTRY: BS

\*\*\*\* CREDIT PAYMENT MESSAGE TEXT \*\*\*\*

{1510} Type/Subtype Code:

Type Code: 10 (Transfer of funds)

Subtype Code: 00 (Regular transfer)

{2000} Amount: \$683,000.00

{3100} Sending Bank:

ABA number: [REDACTED]

Short name: COMERICA CALIFORNI

ABA lookup (AUX): COMERICA BANK

SAN JOSE, CA

{3320} Sender Reference: [REDACTED]

08/10/2022  
21:08:42

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 69524

{3400} Receiving Bank:  
ABA number: [REDACTED]  
Short name: JPMCHASE  
ABA lookup (AUX): JPMORGAN CHASE BANK, NA  
NEW YORK, NY

{3600} Business Function Code: CTP (Customer transfer plus)

{4100} Beneficiary's Bank:  
[REDACTED]  
SCOTIABANK (BAHAMAS) LTD  
SCOTIABANK BUILDING  
RAWSON SQUARE  
NASSAU,BS

{4200} Beneficiary:  
[REDACTED]  
BAYCOURT CHAMBERS

{4320} Reference for Beneficiary: [REDACTED]

{5000} Originator:  
[REDACTED]  
BIRCH LEASING COMPANY LLC  
4030 ADMIRABLE DR  
RANCHO PALOS VERDES CA 90275

\*\*\* MESSAGE TEXT \*\*\*

2!EAJ000!0!!!!!!\*^1^VRE^^D^048:1895321972^^

MESSAGE HISTORY SEQUENCE

-----

048 is the owning bank. Priority:  
REF\_INDEX REF #: [REDACTED] 10-AUG-2022 15:04:46.51  
MTRANSFTRENT\_LOG OPRID: EAJ000 TIME: 10-AUG-2022 15:04:46.51  
SYS\_MEMO \*CVD:15 DVD:13 PSD:100 SSD:100 DBD:1 CBD:1  
\*DDA\_INQ\_DBT  
\*GL\_INQ\_CDT  
\*ADR\_MSG\_QUE TEXT: [REDACTED]  
Memo: DBT/126612

002 \*DBT\_AUT  
002 \*SYS\_MEMO 002:CJS995-LVM FOR CHRIS X7934 4.03  
002 CALLBACKQ DEQ  
Memo: Rsn: ACNRP ENT

002MTRANSCALLBACK\_LOG OPRID: GJS587 TIME: 10-AUG-2022 16:28:39.59  
Memo: Contact: KAMON, CHRIS, Via-Pin 22645  
\*SYS\_MEMO Stop\_Check msg routed to EXTERNAL STOP SERVER 10-AUG-2022 16:28:39.59

11/04/2022  
20:45:18

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 21277

RCVD FROM BIRCH LEASING COMPANY LLC 4030 ADMIRABLE DR  
SENDER'S DDA # [REDACTED]

TRN REF #: [REDACTED]

-----  
\*\*\*\* MESSAGE ENVELOPE \*\*\*\* ( Bank : 048 )

SRC:VRE CALLER:KAMON, CHRIS  
SND DATE: 22/11/04  
EXT:

RPT# AMT:700,000.00 CUR:USD TRDR#  
TEST: DUE: TYP:FTR/1000 FNDS:S CHG:DB:A CD:N COM:N CBL:N

-----  
DBT [REDACTED] CDT [REDACTED] ADV:FED  
DEBIT VAL: 22/11/04 CREDIT VAL: 22/11/04  
DEPT:95836 JPMORGAN CHASE BANK, NA  
BIRCH LEASING COMPANY LLC NEW YORK, NY  
4030 ADMIRABLE DR  
RANCHO PALOS VERDES CA 90275  
COUNTRY OF RESIDENCY: US  
COUNTRY OF RESIDENCY: US INTER BK:S/BBRUBEBB WIR:N  
SPECIAL INSTRUCTIONS: ING BELGIUM NV/SA (FORMERLY BANK BR  
AGR 6/28/22 DH USSELS LAMBERT SA), BRUSSELS  
AVENUE MARNIX 24  
BRUSSELS,BE  
COUNTRY OF RESIDENCY: BE  
INS PTY:/ BNF BANK:S/TAKBHUHB WIR:N  
MTB MAGYAR TAKAREKSZOVETKEZETI BANK  
PETHENYI KOZ 10  
BUDAPEST,HU  
COUNTRY OF RESIDENCY: HU  
BNF:/HU7650440016100377130000 CHG: BK?N  
0000  
PRIMUS TRUST CORP  
  
BNF MAILING COUNTRY: HU  
ORIG TO BNF INFO:  
CONTRIBUTION TO PRIMUS ALL WEATHER  
TRUST

\*\*\*\* CREDIT PAYMENT MESSAGE TEXT \*\*\*\*  
{1510} Type/Subtype Code:  
Type Code: 10 (Transfer of funds)

11/04/2022  
20:45:18

DAILY TRANSACTION LOG BY SEQ  
TRN: [REDACTED]

REPORT ID: WTR#P105  
PAGE: 21278

Subtype Code:

00 (Regular transfer)

{2000} Amount:

\$700,000.00

{3100} Sending Bank:

ABA number:

[REDACTED]

Short name:

COMERICA CALIFORNI

ABA lookup (AUX):

COMERICA BANK  
SAN JOSE, CA

{3320} Sender Reference:

[REDACTED]

{3400} Receiving Bank:

ABA number:

[REDACTED]

Short name:

JPMCHASE

ABA lookup (AUX):

JPMORGAN CHASE BANK, NA  
NEW YORK, NY

{3600} Business Function Code:

CTP (Customer transfer plus)

{4000} Intermediary Bank:

B/BBRUBEBB

ING BELGIUM NV/SA (FORMERLY BANK BR

USSELS LAMBERT SA), BRUSSELS

AVENUE MARNIX 24

BRUSSELS,BE

{4100} Beneficiary's Bank:

B/TAKBHUHB

MTB MAGYAR TAKAREKSZOVETKEZETI BANK

PETHENYI KOZ 10

BUDAPEST,HU

{4200} Beneficiary:

[REDACTED]

PRIMUS TRUST CORP

{4320} Reference for Beneficiary:

[REDACTED]

{5000} Originator:

[REDACTED]

BIRCH LEASING COMPANY LLC

4030 ADMIRABLE DR

RANCHO PALOS VERDES CA 90275

{6000} Originator to Beneficiary Info:

CONTRIBUTION TO PRIMUS ALL WEATHER  
TRUST

\*\*\* MESSAGE TEXT \*\*\*

2!jfp772!0!!!!!!\*^1^VRE^^D^048:1895321972^^

# EXHIBIT 5

**Important:** The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State. The criminal record data in this product or service may include records that have been expunged, sealed, or otherwise have become inaccessible to the public since the date on which the data was last updated or collected.

Accurant does not constitute a "consumer report" as that term is defined in the federal Fair Credit Reporting Act, 15 USC 1681 et seq. (FCRA). Accordingly, Accurant may not be used in whole or in part as a factor in determining eligibility for credit, insurance, employment or another permissible purpose under the FCRA.

**Your DPPA Permissible Use:** Court, Law Enforcement, or Government Agencies

**Your Secondary DPPA Permissible Use:** No Permissible Purpose

**Your GLBA Permissible Use:** Law Enforcement Purposes

**Your DMF Permissible Use:** Legitimate Business Purpose Pursuant to a Law, Government Rule, Regulation, or Fiduciary Duty

## Comprehensive Business Report

---

**Date:** 12/20/22

**Company Name:** HAMMER AND WOOD

**Address:** 5625 CRESCENT PARK, PLAYA VISTA, CA 90094-2209, LOS ANGELES COUNTY

**Phone:** 310-766-1681

**URL:** HAMMERANDWOOD.COM

### Business Summary:

LexID® Business Legal Entity: 0643-4116-9341

 **Business Status:** (No recent public filings on file)

**Established:** 2015 (4 yrs in Business)

**Business Activity:** 02/06/2015 - 02/24/2019

**SIC:** 24990000 -

### Name Variations:

**Company Name:** HAMMER AND WOOD

### TIN Variations:

[None Found]

### Parent Company:

[None Found]

⊖ **Business Filings:**

**Industry Information:**

SIC Code: **2499**

SIC Description: **Wood Products, Nec**

SIC Code: **7389**

SIC Description: **Business Services, Nec**

**Corporation Filings:**

[None Found]

**Registered Agents:**

[None Found]

**Business Registration:**

Name: **HAMMER AND WOOD**

Address: **5625 CRESCENT PARK W APT 306, PLAYA VISTA, CA 90094-2209**

Filing Number: **2015033589**

Corporation Code: **Fictitious Name**

Filing Date: **02/06/2015**

**UCC Filings for Business:**

[None Found]

**Associated Businesses:**

[None Found]

**Connected Businesses:**

Name: **HAMMER AND WOOD**

Address: **14311 CERISE AVE STE 106, HAWTHORNE, CA 90250-0603**

Name: **ROYAL PARQUET**

Address: **16930A VALLEY VIEW AVE, LA MIRADA, CA 90638-5826**

➡ **Associated People:**

**Business Contacts:**

**Current Individuals:**

[None Found]

**Prior Individuals:**

[None Found]

**Executives:**

**Current Executives:**

[None Found]

**Prior Executives:**

Name: NELSON KUO

Contact Title - **OFFICER**

➡ **Assets:**

**Motor Vehicles:**

[None Found]

**Properties:**

[None Found]

**FAA Aircrafts:**

**Current Aircraft(s):**

[None Found]

**Prior Aircraft(s):**

[None Found]

**Watercrafts:**

**Current Watercrafts:**

[None Found]

**Prior Watercrafts:**

[None Found]

<b>BRAVO'S CONSTRUCTION</b> 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422		1108 16-24/1220 4875
PAY TO THE ORDER OF <u>Hammer &amp; Wood</u>		DATE <u>Oct/31/2017</u>
<u>Ten Thousand &amp; NO/100</u>		<u>\$ 10,000</u>
FOR <u>Acct # 698798985</u>		DOLLARS
LEINAO BRAVO		Signature
⑆000000⑆1108⑆ ⑆122000247⑆ 6939825110⑆		

TO ACCOUNT OF  
THE NAMED PAYEE  
FOR DEPOSIT ONLY  
Chase Bank, N.A.

REQUEST 00000000008771773 10000.00

20171031 000008816905458+

ACCT 000006939825110+

REQUESTOR U751334

27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

Summons and Subpoenas Department

S4001-01F

Phoenix AZ 85038

<b>BRAVO'S CONSTRUCTION</b> 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422		1123 16-24/1220 4875
PAY TO THE ORDER OF <u>Hammer &amp; Wood</u>		DATE <u>Nov 16/2017</u>
<u>Ten Thousand &amp; No 100</u>		<u>\$ 10,000</u>
FOR <u>Acct # 698798985</u>		<u>LEIRRO BRAVO.</u>
⑈0000001123⑈ ⑆122000247⑆ 6939825110⑈		

REQUEST 00000000008771773 10000.00

20171116 000008612415585+

ACCT 000006939825110+

REQUESTOR U751334

27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

Summons and Subpoenas Department

S4001-01F

Phoenix AZ 85038

<b>BRAVO'S CONSTRUCTION</b> 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422		1131 16-24/1220 4875
DATE <u>Nov/29/2017</u>		
PAY TO THE ORDER OF <u>Hammer &amp; Wood</u>	\$ <u>15,000</u>	
<u>fifteen Thousand &amp; no/100</u>	DOLLARS	
FOR <u>Acct # 698798985</u>	<u>Isidro Bravo</u>	
⑈0000001131⑈ ⑆122000247⑆ 6939825110⑈		

CREDIT TO ACCOUNT OF  
WITH NAMED PAYEE  
FOR DEPOSIT ONLY  
JPMorgan Chase Bank, N.A.

REQUEST 00000000008771773 15000.00

20171129 000008810090412+

ACCT 000006939825110+

REQUESTOR U751334

27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

Summons and Subpoenas Department

S4001-01F

Phoenix AZ 85038

<b>BRAVO'S CONSTRUCTION</b> 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422		1163 16-24/1220 4875
DATE: <u>JAN/11/2018</u>		
PAY TO THE ORDER OF	<u>Hammer &amp; Wood</u>	\$15,000-
	<u>fifteen Thousand &amp; No/100</u>	DOLLARS
FOR	<u>Acct 698798985</u>	<u>LEONARD BRAVO</u>
⑈0000001163⑈ ⑆122000247⑆ 6939825110⑈		

CREDIT  
ACCOUNT OF  
NAMED PAYEE  
WITH  
DEPOSIT ONLY  
JPMorg  
Chase Bank, N.A.

REQUEST 00000000008771773 15000.00

20180111 000008414647409+

ACCT 000006939825110+

REQUESTOR U751334

27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

Summons and Subpoenas Department

S4001-01F

Phoenix AZ 85038

<b>BRAVO'S CONSTRUCTION</b> 1439 W JEFFERSON BLVD LOS ANGELES, CA 90007-3422		1169 16-24/1220 4875
PAY TO THE ORDER OF <u>Hammer &amp; wood</u>		DATE <u>JAN/23/2018</u>
<u>Fifteen Thousand &amp; No/100</u>		<u>\$ 15,000</u>
FOR <u>Acct # 6987 9898 5</u>		DOLLARS
WELLS FARGO BANK, N.A. California wells Fargo.com		<u>ISIRO BRAVO</u>
⑈0000001169⑈ ⑆122000247⑆ 6939825110⑈		

CREDIT TO ACCOUNT OF  
 WITHIN NAMED PAYEE  
 FOR DEPOSIT ONLY  
 JPMorgan Chase Bank, N.A.

REQUEST 00000000008771773 15000.00

20180123 000008319493131+

ACCT 000006939825110+

REQUESTOR U751334

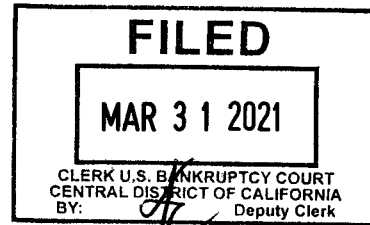
27136056 09/29/2022 Research 27136202 HOGAN HISTORICAL: 0000000000693982511001

Summons and Subpoenas Department

S4001-01F

Phoenix AZ 85038

# EXHIBIT 6



Richard M. Steingard (SBN 106374)  
*rsteingard@SteingardLaw.com*  
LAW OFFICES OF RICHARD M. STEINGARD  
800 Wilshire Boulevard, Suite 1050  
Los Angeles, California 90017  
Telephone: (213) 260-9449  
Facsimile: (213) 260-9450

Attorney for Proposed Designee  
Christopher Kamon

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In Re GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**OPPOSITION TO MOTION TO  
DESIGNATE CHRISTOPHER  
KAMON TO APPEAR OR ACT ON  
BEHALF OF THE DEBTOR AND  
COMPEL ATTENDANCE AT THE  
§ 341(a) MEETING OF  
CREDITORS PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE  
9001(5); DECLARATIONS**

ORIGINAL

LAW  
OFFICES OF  
RICHARD M.  
STEINGARD

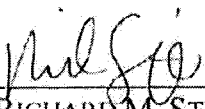
1 Christopher Kamon, by and through his attorney of record, Richard M.  
2 Steingard, hereby submits this *Opposition to Motion to Designate Chris Kamon to*  
3 *Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a)*  
4 *Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5).*

5 In support of this Opposition, Mr. Kamon submits the following  
6 memorandum of points and authorities and the attached declarations of Richard M.  
7 Steingard and Christopher Kamon.

8  
9 DATED: March 31, 2021

Respectfully submitted,

10  
11 LAW OFFICES OF RICHARD M. STEINGARD

12  
13   
14 RICHARD M. STEINGARD  
15 Attorneys for Prospective Designee  
16 CHRISTOPHER KAMON  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 On March 18, 2021, Elisa D. Miller, the Chapter 7 Trustee (“Trustee”),  
5 moved this Court to designate Christopher Kamon to appear and act on behalf of  
6 the debtor, and to compel his attendance at a § 341(a) meeting of the creditors  
7 pursuant to Federal Rules of Bankruptcy Procedure 9001(5). (ECF 269.) By this  
8 Opposition, Mr. Kamon opposes the Trustee’s motion.

9 As set forth below and in the attached declarations, there is an ongoing  
10 federal criminal investigation in the Northern District of Illinois concerning the  
11 Girardi Keese law firm where Mr. Kamon was employed. If named as a designee,  
12 based on the government’s investigation and the advice of counsel, Mr. Kamon  
13 intends to assert his rights under the Fifth Amendment to the U.S. Constitution and  
14 decline to make a statement or answer any questions put to him by the Trustee,  
15 creditors, or anyone else associated with this action. As such, the proposed  
16 appointment of Mr. Kamon would serve no purpose: neither the Trustee nor the  
17 creditors would obtain the information they seek. Accordingly, we ask that the  
18 Court deny the Trustee’s motion.

19 It bears noting that before filing this Opposition, Mr. Kamon’s counsel  
20 contacted the Trustee’s counsel, advised that Mr. Kamon intended to assert his  
21 Fifth Amendment rights, and asked that the Trustee withdraw the instant motion.  
22 (Declaration of Richard M. Steingard at ¶ 3.) Trustee’s counsel subsequently  
23 advised that the Trustee would not withdraw the motion. (*Id.*)

24 **II.**

25 **ARGUMENT**

26 Rule 9001(5), Federal Rules of Bankruptcy Procedure (“FRBP”) states, in  
27 relevant part, “When any act is required by these rules to be performed by a debtor  
28 or when it is necessary to compel attendance of a debtor for examination and the

debtor is not a natural person: ... (B) if the debtor is a partnership, “debtor” includes any or all of its general partners or, if designated by the court, any other person in control.” In the instant case, the Trustee asserts that Christopher Kamon is “an appropriate party to designate and appear on behalf of the Debtor under RFBP 9001(5).” (ECF 269 at 6.) According to the Trustee’s motion, Mr. Kamon was the Chief Financial Officer of Girardi Keese, operated and oversaw the firm’s accounting department, participated in discussions with insolvency advisors and potential lenders, prepared checks on behalf of the firm (including for the firm’s trust account) and was a Trustee for the firm’s 401(k) plan. (*Id.*)

Accepting these allegations as true, Mr. Kamon submits that he should not be designated by the Court to appear and act on behalf of the debtor and participate at a § 341(a) meeting of the creditors. As stated in Mr. Kamon attached declaration, based on the advice of counsel, Mr. Kamon intends to assert his rights under the Fifth Amendment to the U.S. Constitution and will decline to make any statements or answer any questions put to him by the Trustee or creditors. (Declaration of Christopher Kamon at ¶ 2.) Case law makes clear that individuals retain their Fifth Amendment rights during bankruptcy proceedings. *See e.g., In Re Iorizzo*, 35 B.R. 465, 467 n.3 (E.D.N.Y. 1983) (recognizing that “the Iorizzos may be properly exercising their Fifth Amendment privilege against self-incrimination” even though “the Trustees’ duties are considerably hindered thereby”). *See also In Re Save More Foods Inc*, 96 B.R. 1 (D.D.C 1989).

Nor can there be a claim that Mr. Kamon’s assertion of the privilege is misplaced or frivolous. On December 14, 2020, the Hon. Thomas M. Durkin, United States District Court for the Northern District of Illinois, granted a Motion to Show Cause against the Girardi Keese law firm regarding the alleged misuse of funds in the firm’s attorney trust account. (*In Re: Lion Air Flight JT 610 Crash*, Case No. 18-CV-07686 (N.D. Ill.), ECF 848.) That same date, the Court made a criminal referral of the Girardi Keese firm to the United States Attorney’s Office

1 for the Northern District of Illinois and the government simultaneously moved to  
2 unseal Mr. Girardi's Verified Motion for Rule to Show Cause. (*Id.* at ECF 850.) In  
3 its filing, the government noted the Court's criminal referral and explained the  
4 basis for its request as follows: "The government respectfully requests that the  
5 Court enter an order modifying its current sealing order to allow access by the  
6 USAO, and any law enforcement personnel or Department of Justice personnel  
7 working with the USAO, to any materials filed under seal pursuant to the Court's  
8 January 23, 2020 sealing order, regardless of when filed." (*Id.*) On December 16,  
9 2020, the Court granted the government's motion. (*Id.* at ECF 869.)

10 On March 30, 2021, counsel for Mr. Kamon spoke with Assistant U.S.  
11 Attorney Chris Catizano, one of the Chicago prosecutors assigned to the  
12 investigation of the Girardi Keese firm, and inquired of Mr. Kamon's status in the  
13 government's investigation. (Declaration of Richard M. Steingard at ¶ 4.)  
14 Typically, the government assigns a label—witness, subject, or target—to an  
15 individual who has some connection to an ongoing criminal investigation. Counsel  
16 asked Mr. Catizano about Mr. Kamon's status in the investigation. Mr. Catizano  
17 advised that at this juncture, he was unable to provide a witness/subject/target  
18 description of Mr. Kamon. (*Id.*)

19 Nonetheless, the Trustee's allegations provide a more than sufficient basis  
20 for Mr. Kamon's assertion of the Fifth Amendment privilege. As noted above, the  
21 Trustee's motion asserts that Mr. Kamon was the CFO of Girardi Keese, operated  
22 and oversaw its accounting department, prepared checks on behalf of the firm  
23 (including checks in the trust account that formed the basis for the Court's criminal  
24 referral), participated in discussions with insolvency advisors and potential lenders,  
25 and acted as a Trustee for the firm's 401(k) plan. (ECF 269 at 6.) On these bases,  
26 Mr. Kamon's right to assert a Fifth Amendment privilege seems self-evident.

27 As a practical matter, Mr. Kamon's proposed designation would be futile.  
28 Because Mr. Kamon will assert his Fifth Amendment privilege and not provide the

1 Trustee or creditors with any sought-after information, such a designation would  
2 be a waste of time and resources, would not serve to advance anyone's interests,  
3 and would only delay the resolution of the Chapter 7 bankruptcy proceedings. In  
4 essence, the designation of Mr. Kamon and his assertion of the Fifth Amendment  
5 privilege will merely postpone the Trustee's motion for another proposed designee.  
6 While Mr. Kamon appreciates that the Trustee seeks a substitute for the debtor  
7 who can advance her inquiry, Mr. Kamon's designation will not accomplish that  
8 purpose.

9  
10 **III.**

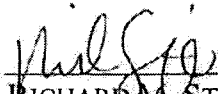
11 **CONCLUSION**

12 For all the reasons set forth above, Mr. Kamon respectfully requests that the  
13 Court deny the Trustee's motion.

14 DATED: March 31, 2021

Respectfully submitted,

15  
16 LAW OFFICES OF RICHARD M. STEINGARD

17  
18 

19 RICHARD M. STEINGARD  
20 Attorney for Proposed Designee  
21 CHRISTOPHER KAMON  
22  
23  
24  
25  
26  
27  
28

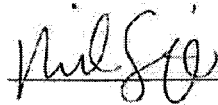
**DECLARATION OF RICHARD M. STEINGARD**

I, Richard M. Steingard, state and declare as follows:

1. I am an attorney licensed to practice in the State of California and before this Honorable Court. My firm represents Christopher Kamon in the above-captioned matter. I submit this declaration in support of Mr. Kamon's Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5).
2. Since being retained, I have spoken to my client on multiple occasions. Based on our discussions, Mr. Kamon has advised me that, if designated, he will assert his rights under the Fifth Amendment to the U.S. Constitution and decline to make a statement or answer any questions by the Trustee or creditors.
3. On March 29, 2021, I spoke to Mr. Kamon's civil counsel, Jon Golden. Mr. Golden advised me that on March 23, 2021, after learning of the Trustee's motion, he spoke to the Trustee's counsel to advise him that, if designated, Mr. Kamon would assert his Fifth Amendment rights and decline to make a statement or answer any questions by the Trustee or creditors. Mr. Golden stated that he asked that the Trustee withdraw its motion seeking to designate Mr. Kamon. Mr. Golden advised me that on March 24, 2021, Trustee's counsel emailed him to say that the Trustee would not withdraw the motion.
4. On March 31, 2021, I spoke with Chris Catizano, an Assistant U.S. Attorney in the Northern District of Illinois. I had previously been advised that Mr. Catizano was one of the prosecutors assigned to the criminal investigation of Girardi Keese. After advising Mr. Catizano of the status of the Trustee's motion, I asked whether the government considered Mr. Kamon a witness,

1 subject, or target of their investigation. Mr. Catizano stated that at this  
2 juncture, he could not provide me with a witness/subject/target description  
3 for Mr. Kamon.  
4

5 I declare under penalty of perjury that the foregoing is true and correct.  
6 Executed this 31<sup>st</sup> day of March, 2021, at Los Angeles, California.  
7

8 

9 Richard M. Steingard  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

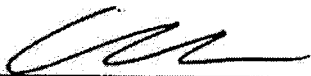
**DECLARATION OF CHRISTOPHER KAMON**

I, Christopher Kamon, state and declare as follows:

1. I submit this declaration in support of the Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5).
2. I am aware that the United States Attorney's Office for the Northern District of Illinois is conducting a criminal investigation of Girardi Keese where I was employed. After discussions with my counsel, it is my intention to follow their advice and, if designated, assert my rights under the Fifth Amendment to the U.S. Constitution and decline to make a statement or answer any questions by the Trustee or creditors.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of March, 2021, at Los Angeles, California.



Christopher Kamon

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Law Offices of Richard M. Steingard  
800 Wilshire Boulevard, Suite 1050, Los Angeles CA 90017

A true and correct copy of the foregoing document entitled (*specify*): OPPOSITION TO MOTION TO DESIGNATE CHRISTOPHER KAMON TO APPEAR OR ACT ON BEHALF OF THE DEBTOR AND COMPEL ATTENDANCE AT THE § 341(a) MEETING OF CREDITORS PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9001(5); DECLARATIONS

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (*date*) 03/31/2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 03/31/2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell  
U.S. Bankruptcy Court  
Roybal Federal Building  
255 East Temple Street, Suite 1660, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

03/31/2021     Anthony K. Wong  
Date                      Printed Name

  
Signature

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. SERVED BY UNITED STATES MAIL:**

Rafey Balabanian Edelson PC 123 Townsend St Ste 100 San Francisco, CA 94107	Eric D Goldberg DLA Piper LLP 2000 Avenue of the Stars Suite 400 North Tower Los Angeles, CA 90067	Eric D Winston Quinn Emanuel Urquhart & Sullivan LLP 865 South Figueroa Street 10th Floor Los Angeles, CA 90017
Michelle Balady Bedford Law Group 1875 Century Blvd, Ste 1790 Los Angeles, CA 90067	Marshall J Hogan Snell & Wilmer 600 Anton Blvd., Suite 1400 Costa Mesa, CA 92626	Christopher K.S. Wong Arent Fox LLP 555 W Fifth St 48th Fl Los Angeles, CA 90013
William C Beall Beall and Burkhardt, APC 1114 State St Ste 200 Santa Barbara, CA 93101	Sheryl K Ith Cooksey, Toolen, Gage, Duffy & Woog 535 Anton Blvd, 10th Fl Costa Mesa, CA 92626	
Richard D Buckley Arent Fox LLP 555 West Fifth Street, 48th Flr Los Angeles, CA 90013	Razmig Izakelian Quinn Emanuel Urquhart & Sullivan 865 S. Figueroa St., Fl. 10 Los Angeles, CA 90017	
Marie E Christiansen Vedder Price (CA) LLP 1925 Century Park E Ste 1900 Los Angeles, CA 90067	Lewis R Landau 22287 Mulholland Hwy., # 318 Calabasas, CA 91302	
Jennifer Witherell Crastz 15910 Ventura Blvd 12th Flr Encino, CA 91436-2829	Daniel A Lev 333 South Grand Avenue, Suite 3400 Los Angeles, CA 90071	
Clifford S Davidson Snell & Wilmer LLP One Centerpointe Drive, Suite 170 Lake Oswego, OR 97035	Scott H Olson Vedder Price 275 Battery Street, Suite 2464 San Francisco, CA 94111	
Richard W Esterkin 300 S Grand Ave 22nd Fl Los Angeles, CA 90071-3132	Leonard Pena 402 S Marengo Ave, Ste B Pasadena, CA 91101	
Lei Lei Wang Ekvall Timothy W. Evanston Philip E. Strok Smiley Wang-Ekvall, LLP 3200 Park Center Drive, Suite 250 Costa Mesa, CA 92626 714-445-1000	Michael J Quinn Vedder Price (CA) LLP 1925 Century Park E, Ste 1900 Los Angeles, CA 90067	
Andrew Goodman Goodman Law Offices, APC 30700 Russell Ranch Road, Suite 250 Westlake Village, CA 9136	Kevin C Ronk 4333 Park Terrace Drive, Ste 205 Westlake Village, CA 91361	
	William F Saavino 1900 Main Place Tower Buffalo, NY 14202	

# EXHIBIT 7

Richard M. Steingard (SBN 106374)  
*rsteingard@SteingardLaw.com*  
LAW OFFICES OF RICHARD M. STEINGARD  
800 Wilshire Boulevard, Suite 1050  
Los Angeles, California 90017  
Telephone: (213) 260-9449  
Facsimile: (213) 260-9450  
  
Attorney for Proposed Designee  
Christopher Kamon

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In Re GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**PROPOSED DESIGNEE'S SUR-  
REPLY TO TRUSTEE'S REPLY  
TO OPPOSITION TO MOTION TO  
DESIGNATE CHRISTOPHER  
KAMON TO APPEAR OR ACT ON  
BEHALF OF THE DEBTOR AND  
COMPEL ATTENDANCE AT THE  
§ 341(a) MEETING OF  
CREDITORS PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE  
9001(5)**

Christopher Kamon, by and through his attorney of record, Richard M. Steingard, hereby submits this *Sur-Reply to Trustee's Reply to Opposition to Motion to Designate Chris Kamon to Appear or Act on Behalf of the Debtor and Compel Attendance at the § 341(a) Meeting of Creditors Pursuant to Federal of Bankruptcy Procedure 9001(5)*.

DATED: April 29, 2021

Respectfully submitted,

LAW OFFICES OF RICHARD M. STEINGARD

/s/

RICHARD M. STEINGARD  
Attorney for Prospective Designee  
CHRISTOPHER KAMON

## MEMORANDUM OF POINTS AND AUTHORITIES

### I.

#### INTRODUCTION

On April 27, 2021, the Chapter 7 Trustee (“Trustee”) filed a Reply to Christopher Kamon’s Opposition to his designation as a substitute debtor. The Trustee makes three points: (1) Mr. Kamon concedes that he is an appropriate designee; (2) the designation of Mr. Kamon is not futile, even though he will assert his Fifth Amendment privilege and decline to make a statement or answer questions, because an adverse inference against a debtor can be drawn from an assertion of the privilege; and (3) the appointment is not futile because Mr. Kamon can then be compelled to produce all corporate documents in his possession. All three arguments are wrong or without legal support. We briefly address each below.

### II.

#### ARGUMENT

##### **A. Mr. Kamon Does Not Concede He is an Appropriate Designee**

The Trustee first claims that Mr. Kamon conceded that he is an appropriate designee. (ECF 320 at 3.) Mr. Kamon made no such concession. Mr. Kamon’s Opposition brief responded to the Trustee’s claim that Mr. Kamon was the CFO of the debtor, Girardi Keese, by stating, “Accepting these arguments as true...” (ECF 290 at 4.) As the Trustee well knows, this is not a concession but a linguistic manner of addressing an argument advanced by the opposing side. To put this issue to rest, Mr. Kamon does not concede any fact or argument advanced by the Trustee.

//

//

**B. The Trustee's Claim that Mr. Kamon's Assertion of the Fifth Amendment is a Basis to Draw Advance an Adverse Inference Against the Debtor is Without Legal Sport**

As one of two bases for requesting that the Court designate Mr. Kamon, the Trustee asserts that if Mr. Kamon is so designated and asserts his Fifth Amendment privilege, the Trustee can draw an adverse inference against the debtor. (ECF 320 at 2-4.) Here, the Trustee confuses Mr. Kamon—a *non-party and not the debtor*—to the debtor—a *party*. There is an obvious difference between the two, and the cases cited by the Trustee—*Baxter* and *Seror*—only apply to “a party” or the “debtor” in an action. *Baxter v. Palmigiano*, 425 U.S. 308, 318 *Seror v. Lopez (In re Diana Lopez)*, 532 B.R. 140, 159 (Bankr. C.D. Cal. 2015). Counsel is unaware of any case—and the Trustee has cited none—in which a court found that a *non-party's* assertion of his or her Fifth Amendment rights was a basis to draw an adverse inference against a *party*, or that the assertion of the Fifth Amendment by a *substitute designee* for a debtor is a basis for drawing an adverse inference against *the debtor*. Absent such a holding, the Trustee's first justification in favor of the designation fails.

**C. The Trustee's Claim that Mr. Kamon's Designation Will Permit the Trustee to Compel Production of Records is False**

As the second of two bases justifying the request for Mr. Kamon's designation, the Trustee claims that Mr. Kamon can then be compelled to produce any debtor's records in his possession. (ECF 320 at 4.) This too is legally baseless.

While an individual does not have Fifth Amendment right over certain documents, Mr. Kamon retains a Fifth Amendment right over the physical act of *producing* any such documents. *United States v. Doe*, 465 U.S. 605, 616 (1984) (“The act of producing the documents at issue in this case is privileged and cannot be compelled without a statutory grant of use immunity pursuant to 18 U.S.C. §§ 6002 and 6003.”). This is commonly referred to as “*Doe* immunity” and is accomplished by the U.S. Attorney requesting, and a court's granting, immunity

1 for the act of producing any records. *See e.g., Matter of Grand Jury Proceedings*,  
2 68 F.3d 193, 194 (7<sup>th</sup> Cir. 1995). In the absence of *Doe* immunity being conferred,  
3 Mr. Kamon retains his Fifth Amendment rights.

4       Additionally, the Trustee’s position is based solely on FRBP 9001(5), which  
5 states, in relevant part, that “[w]hen any act is required by these rules to be  
6 performed by a debtor...if the debtor is a partnership, ‘debtor’ includes...if  
7 designated by the court, any other person in control.” (ECF 320 at 4.) As the  
8 statute explicitly states, this provision only applies to “partnerships.” FRBP  
9 9001(5)(B). The Trustee has made no showing that the debtor was a partnership  
10 and two recently filed documents indicate that the debtor was actually a sole  
11 proprietorship.

12       On March 27, 2021, Jason Rund, the Chapter 7 Trustee in Mr. Girardi’s  
13 personal bankruptcy matter, filed a Schedule of Assets and Liabilities for Mr.  
14 Girardi in which he stated that Mr. Girardi was the 100 % sole owner of the Girardi  
15 Keese law firm. (*In Re Thomas Girardi*, Case No. 20-BK-21020, ECF 139 at 7.)  
16 More recently, on April 27, 2021, in the related case of *Welly Chandra v. Boeing*  
17 *International Sales Corporation*, Case No. 18-CV-07686-TMD, currently pending in the  
18 Northern District of Illinois, David Lira, a so-called “partner” at Girardi Keese, stated  
19 that Girardi Keese was not a partnership but a sole proprietorship. (ECF 1060 at 7-8.)

20       These pleadings place at issue the legal status of the debtor; needless to say, if the  
21 debtor is found not to be a partnership, Rule 9001(5)—upon which the Trustee solely  
22 relies for the designation—is inapplicable.

23 ///

24 ///

1 III.  
2 CONCLUSION

3 The Trustee has cited two grounds for claiming that the designation of Mr.  
4 Kamon is justified and would not be an act of futility. Neither has support in the  
5 facts or law.

6 In light of Mr. Kamon's stated intention to assert his Fifth Amendment  
7 rights, which the Trustee does not challenge, and because the Trustee has not  
8 provided a credible reason to still have Mr. Kamon designated a substitute debtor,  
9 we respectfully ask that the Court deny the Trustee's motion.

10  
11 DATED: April 29, 2021

Respectfully submitted,

12  
13 LAW OFFICES OF RICHARD M. STEINGARD

14  
15 /s/

16 RICHARD M. STEINGARD  
17 Attorney for Proposed Designee  
18 CHRISTOPHER KAMON  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28